



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES SEPTEMBER 6, 2018

A meeting of the East Rutherford Zoning Board of Adjustment was held on **September 6, 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 type="checkbox"/> John Martin
<input checked="" type="checkbox"/> Richard Krajunus, Vice-Chairman
<input checked="" type="checkbox"/> Gary Viccaro
<input checked="" type="checkbox"/> Derek Sands | <input checked="" type="checkbox"/> John Giancaspro, Secretary
<input checked="" type="checkbox"/> Richard Cedzidlo, Attorney
<input checked="" 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. Martin, seconded by Mr. Polifronio to approve the minutes of the August 2, 2018 meeting, with a correction to add a statement that explains the outcome of the application.

APPROVAL OF THE 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	X			

DOCKET #18-005

Completeness Review

61-63 Central Ave LLC
82 Herman Street
Block 43, Lot 20

Applicant seeks to eliminate an existing commercial space and to renovate an existing apartment unit and add three (3) additional apartment units for a total of four (4) apartment units.

Mr. Beckmeyer reported that the application could be deemed complete and scheduled for hearing. Mr. Polifronio moved to deem the application complete and Mr. Sands seconded the motion. All were in favor.

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.

Mr. Krajunus moved to allow the Applicant's request to carry the application to the October 4th meeting where it would proceed with a full board present. There would be no further noticing requirements. Mr. Polifronio seconded the motion and all were in favor.

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
- Exhibit A-7. Colored Site Plan
- Exhibit A-8. Conceptual Rendering

- Exhibit A-9. Aerial Depiction of the Current State of the Property
- Exhibit A-10. Photograph Board
- Exhibit A-11. Multi-Family Photos with Relationship to Adjacent Neighbors
- Exhibit A-12. Photos of Rutherford Station
- Exhibit A-13. Zoning Chart comparing 190 Van Winkle Street to 201 Railroad Avenue, 228 Park Avenue, and 147 Hackensack Street
- Exhibit A-14. Resolution 02-02 of the East Rutherford Zoning Board of Adjustment
- Exhibit A-15. Letter of Support from the Bergen County Housing Authority

Mr. Adam Faiella, Attorney for the Applicant, reintroduced the application to the Board. Chairman Alberta stated for the record that he had reviewed the previous meeting transcript and would sign a certification.

Mr. John Inglese came forward to explain updates made to the site plan since the last meeting. Mr. Inglese testified the following changes were made:

1. A fire lane of 24 feet in width was added to the plan, accessible from Orchard Street and controlled via a bollard and chain system
2. The electrical transformer was moved to the rear and will comply with the Borough's noise ordinance. The ordinance requires 50 decibels at the property line, the proposed transformer will be 40 decibels at the property line.
3. A shrub line was added to the north side of the property
4. The lawn on the south side was changed to a shrub line
5. Permeable pavers were added to support the fire lane resulting in a change in lot coverage
6. The average height was calculated at 61 feet, using the four corners' height

Mr. Inglese emphasized that the design was minimizing impact to the neighborhood by having a stepped back 5th floor and from Van Winkle Street the building would appear to only be four stories in height due to the step back. He introduced Exhibits A-7 and A-8 to provide a visual perspective of the building.

Mr. Tripodi asked if any additional handicap parking spaces were added and if signage had been updated. Mr. Inglese stated a spot was added and signage was reduced from three signs to only one at the main entrance, which would be 12 square feet. Mr. Beckmeyer stated that a detail would need to be provided prior to permit.

Mr. Beckmeyer recommended a 6 foot fence be installed at the fire lane entrance off of Orchard Street, rather than a chain and bollard system. Mr. Inglese agreed.

Mr. Tripodi asked how the transformer would be screened, to which Mr. Inglese stated that it would be shielded by bushes.

Mr. Giancaspro, representing the East Rutherford Fire Department, provided the following:

1. Requested that the Fire Department Connection be located at a point determined by the Fire Department on the front of the building. Mr. Inglese agreed this could be accomplished.
2. Asked for clarification on the type of sprinkler system that would be used, noting that the Fire Department would prefer a NFPA 13 system. Mr. Inglese agreed this could be accomplished.
3. Requested that access doors to the garage area be installed to allow the Fire Department access to the garage and stairwell standpipe in the event of a fire. Mr. Inglese agreed this could be accomplished.
4. Due to the size limitations in the rear of the building, a pad system be installed to provide a landing point for the Fire Department's aerial apparatus to place its outrigger system. The pads would require engineering and Fire Department approval. Mr. Inglese agreed this could be accomplished.

Mr. Beckmeyer stated that paving will have to be done for any road openings/excavations made for the project and the extent of the paving would be dependent on the size of excavations. The Applicant acknowledged.

Mr. Beckmeyer asked for clarification on the design of the garbage chute. Mr. Inglese explained the location of the chute and that it extends the entire building and empties into a 2-yard compacting dumpster, which would then be rolled to the street by the building superintendent. He explained that recycling would be collected in each floor's trash room and brought down and out by the building superintendent.

Mr. Sands asked what type of construction would be used for the project. Mr. Inglese explained that the garage would be non-combustible and the upper floors would be wood, with wood floor trusses. He noted there would be a one-hour fire rating, except in stairwells where it would be a two-hour rating.

Mr. Beckmeyer requested dimensions be added to the plan and sight triangles be added in accordance with the Borough's ordinance. Mr. Inglese stated they would be added.

Chairman Alberta asked if the Borough's Public Works and Utilities Commission had reviewed the plans. Mr. Faiella stated the plans were submitted to Neglia Engineering but no response letter was received. He stipulated that a decision be contingent on the engineer's approval.

Mr. Andrew Janiw, a Professional Planner with Beacon Planning of Colts Neck, New Jersey came forward to provide planning testimony. Using Exhibits A-9, A-10, A-11, and A-12, Mr. Janiw explained the current conditions of the Applicant's site and also reviewed the attributes of similar multi-family developments in the area, including 147 Hackensack Street, 154 Park Avenue, 132 Park Avenue, Rutherford Station – formerly known as Orchard Square, and Liberty Terrace.

Mr. Janiw explained that the R-3 zone permits multi-family and high rise apartments, but does not define the characteristics of such. He noted that the RSIS standard identifies high rise apartments

as 8 stories. He further explained that the zone only permits a height of 35 feet, but permits high rise apartments which would be higher than 35 feet.

Mr. Janiw reviewed the current area and the specific variances granted for the Orchard Square project in 2002. He explained the proposed project blends with other multi-family developments in the area and has good access to transit, noting that the site meets the conditions as defined by New Jersey Transit as “transit friendly.”

Mr. Janiw explained the following variances were being sought:

1. D6 Height Variance
2. C2 Variance
3. Maximum Lot Coverage by a Building
4. Maximum Lot Coverage
5. Rear Yard Set Back
6. Number of Parking Spaces
7. No Loading Space

Mr. Janiw explained the Applicant was also seeking the following design waivers:

1. Driveway Width
2. Parking Aisle Width
3. Size of Parking Stalls
4. 2 Stacked Parking Spaces
5. Driveway Grade
6. Two Depressed Curbs

Mr. Janiw testified that the application promotes the 1989 Master Plan and subsequent Re-Examination reports as the Plan identified industrial properties as becoming obsolete and replaced by multi-family development on the fringe of lower density. He went on to explain that while the current industrial building on the site is functional, it is not attractive and was identified as the type of site needing replacement in the Master Plan.

After a short recess, Mr. Janiw provided testimony that the application satisfies criteria A, E, G, I, K, and M of the Municipal Land Use Law and would provide a positive benefit to the community in regards to tax revenue, and by adding a building and population that would not put a strain on services. He noted that the proposed application would replace an eyesore in the community and fulfill a need to provide transitional veteran housing.

Mr. Janiw continued that the height variance could be granted as the impact of the height will be diminished by setbacks and the overall design of the building. He stated that there would no substantial detriment to the community and the proposed building would be better suited for the community.

Utilizing Exhibits A-13, A-3, A-14, and A-12, Mr. Janiw stated that while past approvals do not set precedent, the proposed development was similar or of better condition than the projects outlined in the series of exhibits. He felt that the proposed development was organic to the area and designed softly as to reduce impact. He stated that the project promoted light, air, and open space through its design of setbacks and massing of the building.

Mr. Janiw continued that there would be no substantial detriments as the Applicant designed the site in a manner to diminish noise, traffic, trash, and drainage issues. He explained that the transformer was located at the rear of the property to reduce noise; trash would be kept internal to the building and brought out for pickup only; and drainage was improved by reducing the impervious surface on the site.

Mr. Janiw explained that the site required a C2 variance and reviewed the positive and negative criteria that must be satisfied. He highlighted the following aspects of the project in support of granting the variance:

1. The project is located near bus and rail transportation
2. The property is being restored from a non-conforming, dilapidated industrial use
3. The project will be self-sustaining with parking
4. The project will provide transitional housing for veterans
5. The project complies with setbacks and designed to soften the impact to the area

Mr. Janiw explained that the proposed development would have an anticipated 4-5 students in grades Kindergarten through 12th based on the Moskowitz Study, and 2-3 students based on a new study provided by Rutgers University. He noted that the site could be redeveloped in to five two-family homes without any Board approvals, and result in 12 school age children. He also noted that under a 5 two-family home development, the homes would remove six on-street parking spaces.

Mr. Faiella introduced Exhibit A-15, a letter of support from the Bergen County Housing Authority.

Mr. Janiw explained that the transitional veteran housing component of the project. He explained that the purpose of the transitional housing was to remove homelessness amongst veterans and support those that are in need, such as those with mental/physical health problems. He further explained that the residents would be placed in the units through a cooperative effort between the Applicant and a non-profit organization, and then provided services to assist in career development and self-care/living. He noted the objective is for this to be a short term living arrangement, and over time return the resident to an independent living situation.

Chairman Alberta asked for additional details as to how the veteran units would be setup. Mr. Janiw explained that there would be two, five-bedroom units with a bathroom, kitchen, and common area. He explained that there would be no live-in care but support services would visit to assist the veterans.

Chairman Alberta asked about the size of the fifth floor and if the Applicant had considered making the building four stories. Mr. Faiella stated that a four story building did not make sense economically, and added that one story was dedicated to the veteran housing aspect, as well as parking. Mr. Janiw noted that there is a substantial cost to demolish the existing site and construct the proposed project.

Mr. Cedzidlo asked if the veteran housing aspect would fall into the category of a Rooming or Boarding House and thus require a license. Mr. Janiw stated that he was not sure, but noted that a group home is permitted in all zones under the Municipal Land Use Law.

Mr. Levy stated that he was 100% for providing veteran housing, but believed the building was too large as designed.

Mr. Viccaro asked how the veteran services would be financed, to which Mr. Faiella stated that the Applicant would pay for the cost of the services.

Mr. Polifronio asked if there would be a deed restriction placed on the property to require the Applicant to return to the Board for a situation where the veteran housing could not be occupied and the Applicant sought other residents. Mr. Faiella stipulated to that condition.

Mr. Beckmeyer asked who would administer the veteran housing component. Mr. Janiw stated the Bergen County Housing Authority would verify incomes and that the individuals were veterans.

Mr. Sands asked what the anticipated length of stay would be in the veteran housing, to which Mr. Janiw stated that the target is 1-2 years with some exceptional cases of longer or shorter durations.

Mr. Faiella stated that he looked up the New Jersey statute, and 5 or less occupants does not constitute a group home.

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

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