



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

A meeting of the East Rutherford Zoning Board of Adjustment was held on **December 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

- |   |  |
|---|--|
| <input checked="" 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 Chairman Alberta, followed by the Pledge of Allegiance.

A motion was made by Mr. Polifronio, seconded by Mr. Krajunus to approve the minutes of the November 1, 2018 meeting.

APPROVAL OF THE MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			X			
Polifronio	X		X			
Levy			X			
Martin			X			
Krajunus		X	X			
Viccaro			X			
Sands					X	

The minutes were approved.

**RESOLUTIONS**

**RESOLUTION #18-05(R)**

*A resolution authorizing* the Board Secretary to issue Requests for Qualifications (“RFQs”) for Zoning Board of Adjustment Attorney, Zoning Board of Adjustment Engineer, and Zoning Board of Adjustment Planner for the Borough of East Rutherford’s Zoning Board of Adjustment.

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

The resolution was adopted.

**RESOLUTION #18-06(R)**

**Change of Use**

**310 Hoboken Road LLC**

310 Hoboken Road

Block 37, Lot 9

*Resolution memorializing the Board’s action to allow the Applicant to eliminate an existing commercial space and convert it to a one-bedroom apartment for a total of four (4) one-bedroom apartments.*

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

The resolution was adopted.

**DOCKET #18-008**

**Application for Expansion of Non-Conforming Use with Variances**

**Renaldo Hoxha**

309-311 Paterson Avenue

Block 41.01 Lot 16

*Applicant seeks to make improvements to an existing non-conforming structure, by adding two one-bedroom apartments via a second floor addition.*

Mr. David Crook, Attorney for the Applicant, requested the application be carried until the January 3<sup>rd</sup> meeting with no further public notice required. A motion was made by Mr. Polifronio, seconded by Mr. Martin to carry the application with no further notice. All were in favor. Chairman Alberta announced the application would be carried.

**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.*

The following exhibits were introduced in connection with the application:

- Exhibit A-1. Application Package
- Exhibit A-2. Tax Collector Certification
- Exhibit A-3. Survey, dated 5/24/17
- Exhibit A-4. Architectural Drawings, dated 3/26/18
- Exhibit A-5. Site Plan, dated 3/22/18
- Exhibit A-6. Review letter of Beckmeyer Engineering, dated 4/24/18
- Exhibit A-7. MCB Engineering Response Letter, dated 8/15/18
- Exhibit A-8. Review letter of Beckmeyer Engineering, dated 12/4/18
- Exhibit A-9. Review letter of the Special Monitor, dated 4/18/18
- Exhibit A-10. Photos of the existing site

Mr. David Crook, Attorney for the Applicant, introduced the application to the Board and explained the Applicant was seeking to convert the current building from a commercial space with an existing apartment unit to four apartment units and no commercial space. He noted that the Applicant was seeking site plan approval and bulk and use variances. He also noted that the application would be eliminating a non-conforming commercial use from the zone.

Mr. Matthew Clark of MCB Engineering in Totowa, New Jersey came forward to provide testimony related to the site. He explained that the current use is 5,085 square feet in a R-2 Zone. He explained the Applicant was seeking no changes to the existing footprint of the structure and would be converting the entire space to three (3) one-bedroom apartments, and one (1) two-bedroom apartment unit.

Mr. Clark explained ingress and egress would remain the same, as well as a common driveway with five parking spaces and a 4 foot high privacy fence around the perimeter with controlled lighting. He also noted that the loading dock would be eliminated in the front of the building and a full height curb with a grass strip would be added to the frontage, and curb replacement would add an additional parking space for on-street parking.

Mr. Clark explained that existing utilities would be utilized and trash would be contained in cans, with no dumpster on site. He added that additional cans for recycling could be stored in the rear if necessary.

Mr. Clark noted that based on the review letter of Beckmeyer Engineering a dry well could be added and a design waiver would be needed for circulation, based on existing conditions.

Mr. Clark provided additional detail related to the parking explaining that two parking spaces would be provided for the two-bedroom apartment, and the remaining units would all have one space. He explained there would be no curbing around the parking lot to maintain the current drainage. He noted there would be no handicap space, but if required the Applicant would solicit the Borough's Governing Body to make the added on-street parking space a handicap space.  
motion.

Mr. Clark explained the lighting on site and discussed including a series of bollard mounted lights rather than wall sconces to prevent light spill over. Chairman Alberta asked what lighting would be in the driveway, to which Mr. Clark responded that an additional wall mounted sconce could be added if necessary.

Mr. Clark testified that the sight triangle is an existing condition which the Applicant was seeking a waiver from.

Mr. Tripodi asked if the turning radius of the parking spaces infringed on the adjacent property. Mr. Clark explained that two of the spaces require a multi-point turn that is not desirable, but designed in a manner that makes it feasible. He explained that the difficulty of pulling out is due to the easement/property line with the neighboring property, but there is no physical barrier between the two properties.

Mr. Tripodi asked if there was additional landscaping being included in the front of the building. Mr. Clark explained that the loading dock and concrete area would be replaced with a lawn area.

Mr. Polifronio asked for additional details related to the fence. Mr. Clark explained that the fence would screen out an existing masonry wall.

Mr. Bogdan Szacillo, a licensed architect of BB Studio, came forward to provide testimony related to the proposed building. Mr. Szacillo explained that there would be no change to the footprint of the building, however, new siding would be used. He also explained a new staircase and alcove would be added as an entrance. He also noted a lift elevator would be included.

Mr. Szacillo provided testimony related to the floor plan of the building, detailing that the building would be two stories and an attic space, along with a basement which would be used for storage only. He noted that the existing commercial space would be converted to two residential units, an existing unit would remain, and a loft unit would be created from the second floor and attic. He noted that the first floor units would be 900 and 700 square feet in size, and the loft unit would be 1,300 square feet. He testified that the building would be fully sprinkled due to the conversion.

Mr. Szacillo testified that there would be four HVAC condensers.

Mr. Tripodi asked about egress from the second floor, to which Mr. Szacillo explained that there would be an egress window from each unit.

Mr. Levy asked why there was an entrance from the driveway and noted a possible safety issue with pedestrians and vehicles. Mr. Szacillo explained that it was architecturally difficult to design otherwise and provided easier access to the parking area.

Mr. Stimmel, a professional planner of Rutherford, New Jersey, came forward to provide planning testimony related to the application. Mr. Stimmel explained that the Applicant was seeking a D1 variance as the use is not permitted in the zone, but noted that the existing commercial use is also not permitted in the R-2 zone. He explained that he believed the modified site would be suitable to the zone and physically did not have a negative impact on the neighborhood because there was no proposed change to the footprint or height of the structure.

Mr. Stimmel explained that he felt the proposed use was beneficial as it removed a non-conforming commercial use for the zone and although the Applicant was not compliant with parking requirements, the parking demand was less than the existing condition. He noted that he felt the proposed parking was appropriate for the proposed use.

Mr. Stimmel continued by reviewing the positive and negative criteria of the variances, and also provided explanation as to how the application complied with the Municipal Land Use Law and Borough ordinance. He noted that the proposed use was less intense than the existing conditions/use.

Mr. Stimmel addressed the review letter of Beckmeyer Engineering and noted that a majority of the impacts were existing and did not feel a height variance was needed due to the existing structure.

Mr. Stimmel distributed photos of the existing site taken on October 1, 2018. He reviewed the photos and conditions of the site with the Board.

Mr. Krajunus expressed concern over the number of units being proposed for the site and the parking conditions. Mr. Stimmel noted that the site could be converted to a two-family home with five bedrooms based on its size. He noted that the parking situation could be alleviated through revision of the easement. He felt the site was the best design on a difficult site.

Mr. Tripodi asked if the Applicant had completed a Project Impact Assessment. Mr. Stimmel stated that the application had been previously reviewed by the Board's previous planner Remington & Vernick, who had not required a PIA be completed. He expressed an opinion that it did not seem necessary as the application did not have a significant impact on schools, utilities, or traffic. He noted that it could be provided if necessary.

Mr. Crook stated that after hearing some of the feedback from the Board members, the Applicant would like to revise the application and return with an application for two (2) three-bedroom units.

A motion was made by Mr. Martin, seconded by Mr. Sands, to carry the application to the January 3, 2019 meeting with notice required due to the anticipated change in application. All were in favor.

Mr. Cedzidlo announced to the public that there would be no period for public comment on the application because the Applicant intends to amend the application and provide new testimony. He stated that the application would be carried to the January 3<sup>rd</sup> meeting, assuming that the Applicant provides new plans and notice at least 10 days prior to the January 3<sup>rd</sup> meeting.

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

Minutes prepared by:

John Giancaspro  
Secretary