

STATE OF NEW JERSEY
COUNTY OF HUDSON
TOWNSHIP OF NORTH BERGEN
October 3, 2012
Commencing at 8:43 p.m.

ORIGINAL

IN THE MATTER OF: :
: TRANSCRIPT
CASE NO. 13-12 : OF
6233 KENNEDY BOULEVARD, LLC: PROCEEDINGS
6231-6233 Kennedy Boulevard:
Block 204 Lot 11 :
- - - - -

B E F O R E: NORTH BERGEN BOARD OF ADJUSTMENT

ANTHONY VAINIERI - Chairman
FRANK PESTANA - Vice Chairman
JOANNE COLELLO-HARRINGTON
ANNA BARATTIN
RUSHABH MEHTA
DIANE RICH
EMIL FUDA
JOHN BENDER

A P P E A R A N C E S:

NETCHERT, DINEEN & HILLMANN, ESQS.
By: JOHN R. DINEEN, ESQ.
Counsel for the Board of Adjustment

ALONSO & NAVARRETE, ESQS.
By: CAROLYN CORRADO, ESQ.
Counsel for the Applicant

A L S O P R E S E N T:

JILL HARTMANN - Board Planner
LISA ACOSTA - Board Secretary

Reported by: MARY BAUMANN, C.C.R.

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I N D E X

WITNESS

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DEMETRIOS KALTSIS

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EXHIBITS

DESCRIPTION

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Mayo Lynch Report of 10/3/12

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A-1

Report of Demetrios Kaltsis

10

1 CHAIRMAN VAINIERI: Last case on the
2 agenda is Case 13-12, 6233 Kennedy Boulevard.

3 MS. CORRADO: Carolyn Corrado from
4 Alonso & Navarrete's office.

5 CHAIRMAN VAINIERI: You still didn't
6 tell us where Al is. You are representing the
7 applicant, right?

8 MS. CORRADO: That's correct.

9 CHAIRMAN VAINIERI: How many
10 witnesses do you have tonight?

11 MS. CORRADO: The architect.

12 CHAIRMAN VAINIERI: Just the
13 architect?

14 MR. DINEEN: Do we have -- we do. We
15 have the affidavit of publication and notification
16 as required by statute, correct?

17 MS. CORRADO: Yes.

18 MR. DINEEN: So this is a C-1A
19 general commercial district on Kennedy Boulevard,
20 and you are looking to split the lot into two and
21 do some reconstruction?

22 MS. CORRADO: Yes, that's correct.

23 MR. DINEEN: So you have a copy of
24 Miss Hartmann's October 3, 2012 report, correct?

25 MS. CORRADO: Yes, we have a copy of

1 it.

2 MR. DINEEN: That's five pages long,
3 one page of pictures. It's going to be marked
4 ZB-1, five plus one page of pictures, 10/3/12.
5 Perhaps we can bring up Mr. Kaltsis again.

6 CHAIRMAN VAINIERI: Just before we
7 start with testimony, just give us a background of
8 the property. Looking at the address and the
9 pictures, this was a property that had an existing
10 building on it. It was damaged through a fire. Is
11 that correct?

12 MR. KALTSIS: There was an existing
13 building on the property few years back that had a
14 fire, and it was subsequently demolished as a
15 result of the fire.

16 CHAIRMAN VAINIERI: It's an empty
17 lot?

18 MR. KALTSIS: Currently vacant.

19 CHAIRMAN VAINIERI: Before that it
20 was commercial and residential?

21 MR. KALTSIS: It was a mixed use
22 building.

23 CHAIRMAN VAINIERI: You're planning
24 the same use right now?

25 MR. KALTSIS: Yes, that is correct.

1 DEMETRIOS KALTSIS, sworn.

2 MR. DINEEN: Mr. Kaltsis, you have
3 the report of Miss Hartmann?

4 MR. KALTSIS: Yes.

5 MR. DINEEN: Pages four and five we
6 talk about some of the variances that we need,
7 correct?

8 MR. KALTSIS: Correct.

9 MR. DINEEN: Mr. Chairman, we accept
10 Mr. Kaltsis as an expert qualified in architecture
11 since we just accepted him on the last application.
12 This is a C-1A and this is a commercial building
13 you're proposing with residential units, correct?

14 MR. KALTSIS: That is correct.

15 MR. DINEEN: How many residential
16 units?

17 MR. KALTSIS: We're proposing to
18 subdivide the property and construct a total of
19 four residential units.

20 MR. DINEEN: Two and two?

21 MR. KALTSIS: Two and two, yes.

22 MR. DINEEN: Down below is one
23 commercial?

24 MR. KALTSIS: Correct.

25 MR. DINEEN: So that requires a

1 conditional use variance, correct?

2 MR. KALTSIS: Correct.

3 MR. DINEEN: The lot area required is
4 2,500 square feet. You have 1,216 square feet,
5 correct?

6 MR. KALTSIS: Correct.

7 MR. DINEEN: Lot width required is 25
8 feet. You are going to have 21.83, correct?

9 MR. KALTSIS: Correct.

10 MR. DINEEN: Lot depth required is
11 100 feet. Your lot depth is going to be 50 feet,
12 correct?

13 MR. KALTSIS: Correct.

14 MR. DINEEN: Front yard, seven feet
15 is required. You have zero feet.

16 MR. KALTSIS: That is correct.

17 MR. DINEEN: Side yard, three feet
18 and three feet is required. You have zero feet.
19 Rear yard, 23 foot is required. You are proposing
20 five feet. Maximum lot impervious surface
21 coverage, 90 percent is allowed. You are going to
22 have 100 percent. Maximum height in this area is
23 45 feet and four stories. You are proposing a
24 building that's only 31 feet and three stories,
25 correct?

1 MR. KALTSIS: Correct.

2 MR. DINEEN: You are substantially
3 below the existing approved height in the area?

4 MR. KALTSIS: The height
5 requirements, yes.

6 MR. DINEEN: The parking, you are
7 going to need four parking spaces, correct?

8 MR. KALTSIS: That is correct. Two
9 for each dwelling unit, and there is no parking
10 required for the commercial unit below.

11 MR. DINEEN: As we go through this
12 second lot, Lot 11.2 on page five, that is a bigger
13 lot. That's 1,338 square feet, right?

14 MR. KALTSIS: That is correct.

15 MR. DINEEN: But still undersized.
16 The lot width is 21.83, right?

17 MR. KALTSIS: Yes.

18 MR. DINEEN: The lot depth is 57
19 feet, 60, correct?

20 MR. KALTSIS: Correct.

21 MR. DINEEN: Once again the front
22 yard is zero feet and seven feet is required. Side
23 yard is three feet and three feet, and you have
24 zero feet. The rear yard 20 feet is required. You
25 have five feet. Maximum lot coverage is 75

1 percent. You have 88.33 percent. Variance is
2 required?

3 MR. KALTSIS: Correct.

4 MR. DINEEN: And maximum impervious
5 surface coverage, 90 percent is permitted. You are
6 proposing 100 percent, correct?

7 MR. KALTSIS: Correct.

8 MR. DINEEN: Once again you made this
9 building substantially smaller than approved. It's
10 31 feet and three stories.

11 MR. KALTSIS: Correct.

12 MR. DINEEN: Landscaping is ten
13 percent. You don't have any and once again you
14 need four parking spaces, correct?

15 MR. KALTSIS: That is correct.

16 MR. DINEEN: So tell us first on each
17 of these buildings, describe for us how big the
18 apartments would be and what their access would be
19 and so forth?

20 MR. KALTSIS: As we said previously,
21 the existing lot is vacant. We're proposing to
22 subdivide it into two properties. Each of the
23 buildings will consist of three stories with a
24 semi-attached wall in between the two structures.
25 The ground floor will have a commercial space,

1 retail space.

2 On the south side the space is 910 square
3 feet. On the north side it is 971 square feet.
4 Each of the retail spaces will have a handicapped
5 bathroom as well as a mechanical room in the rear
6 portion of the space. There will be aluminium and
7 glass storefront glazing in the front on Kennedy
8 Boulevard. And there will also be a second means
9 of egress on the rear, on the rear wall, which as
10 see on the site plan we are proposing a walkway
11 with steps down that lead to a paper street, which
12 is directly south of this property.

13 MR. DINEEN: That's your second
14 egress?

15 MR. KALTSIS: That's the second means
16 of egress. The second and third floors each will
17 have a dwelling unit. All the dwelling units
18 consist of three bedrooms, a full bathroom, and a
19 combination living room/dining room and kitchen.
20 And the scope of the work is essentially the same
21 on all the apartments.

22 MR. DINEEN: How many square feet are
23 they?

24 MR. KALTSIS: They are the same as
25 the retail space below. On the south side it's 910

1 square feet. On the north side they are 971 square
2 feet. And basically the front facade will just be
3 a combination of brick and stucco. As you can see,
4 the aluminum and glass glazing for the retail.
5 Separate entrances for the apartments above. Some
6 double-hung windows with decorative cornice details
7 on the stucco. That is essentially it for this
8 project.

9 One of the things that I'd like to just
10 point out is the reason for the number of variances
11 that we have is because this property is
12 significantly undersized. We have a study, which I
13 can hand out, which all these properties are
14 highlighted that are similar to this one and
15 undersized.

16 MR. DINEEN: We're going to mark that
17 A-1 for identification bearing tonight's date, one
18 page. What you have done here is you have
19 highlighted how many properties in the area have an
20 existing nonconformity as a result of preexisting
21 conditions?

22 MR. KALTSIS: That is correct.

23 MR. DINEEN: Any questions?

24 CHAIRMAN VAINIERI: I don't have any
25 questions.

1 MR. DINEEN: Any board members have
2 any questions? Hearing none, Mr. Shaw.

3 CHAIRMAN VAINIERI: Anybody in the
4 public like to be heard on this application?
5 HERB SHAW, sworn.

6 MR. SHAW: Commercial enterprises,
7 what do they plan? What are they going to put?

8 MR. KALTSIS: We don't have any
9 tenants for the retail spaces, the commercial
10 spaces on the ground floor.

11 MR. SHAW: Well, if it was an eating
12 establishment, it would require parking spaces, one
13 and a half or something like that per seat or
14 whatever. What parking spaces can you provide?

15 MR. KALTSIS: We don't have any
16 parking spaces for this proposed development. We
17 are proposing a retail use on the ground floor,
18 which if the space is less than 1,000 square feet,
19 there is no parking required for the retail.

20 MR. SHAW: Well, as I remember the
21 zoning code, if you put in an eating
22 establishment --

23 MS. HARTMANN: They would have to
24 come back to the board then if they put in an
25 eating establishment.

1 MR. SHAW: Well, I think that this
2 board should know what is going to be there, what
3 sort of business?

4 MS. HARTMANN: What's being proposed
5 is a commercial retail business. If it doesn't
6 meet the ordinance requirements with respect to the
7 type of use that is covered by the off-street
8 parking that does not require any off-street
9 parking, then they have to come back to the board.

10 MR. SHAW: Well, in this day and age
11 I wouldn't know what business does not require
12 parking spaces.

13 MS. HARTMANN: Our ordinance says if
14 it is a commercial retail business and the actual
15 square footage of that business is a thousand
16 square feet or less, no off-street parking is
17 required. If they put in a restaurant, they would
18 have to come back here for a variance.

19 MR. SHAW: How about a banking
20 establishment or an insurance agency?

21 MS. HARTMANN: They don't need
22 parking for that.

23 MR. SHAW: Do you have a traffic
24 study for this area and a parking study for this
25 area?

1 MS. HARTMANN: Nope.

2 MR. SHAW: No?

3 MS. HARTMANN: No, it's not required
4 for this.

5 MR. SHAW: It's not required?

6 MS. HARTMANN: No, it is not.

7 MR. SHAW: That's why we have such a
8 parking mess. Is this a zone in North Bergen that
9 the Parking Authority governs? People that live in
10 that area must pay for a permit?

11 CHAIRMAN VAINIERI: Mr. Shaw.

12 MR. DINEEN: This is a C-1A
13 commercial.

14 CHAIRMAN VAINIERI: This is right on
15 Kennedy Boulevard, if you are familiar with it,
16 next to the firehouse, okay. All up and down
17 Kennedy Boulevard you have commercial uses and
18 apartments above them. If anybody chooses to live
19 there, they have to look for parking. There is
20 immediate parking in the front. As far as
21 residential zones, I don't know if that's
22 residential zoned yet. It could be in the works,
23 but the Parking Authority is looking to do the
24 whole town in the next couple of years. There's a
25 couple spots left.

1 Also the trend of residents that rent on
2 Kennedy Boulevard tend to be professionals that use
3 transportation to New York or the light rail. So I
4 don't know how many cars they might have. But
5 that's the trend of Kennedy Boulevard. If you go
6 up and down, you can see that. And if you go to
7 move on Kennedy Boulevard there, you are going to
8 know there is no parking. So maybe if you are
9 looking for a parking space, you wouldn't live
10 there.

11 MR. SHAW: Tony Vainieri, you are
12 great at the funeral business in which the
13 automobiles at times are parked upon the sidewalk
14 all over the place.

15 CHAIRMAN VAINIERI: Where?

16 MR. SHAW: And you're telling me and
17 Miss Hartmann says that there are no -- parking is
18 not taken into consideration. There is something
19 wrong.

20 CHAIRMAN VAINIERI: Mr. Shaw, wait a
21 second. I said I don't know if the Parking
22 Authority, if this area is zoned for residential
23 parking permits yet. I don't know that. I can
24 find out if you want.

25 MR. SHAW: Yes.

1 CHAIRMAN VAINIERI: I am sure sooner
2 or later it will be as per the Parking Authority
3 director who will say in the next couple of years
4 the whole town will have residential parking
5 permits. They are going in phases. I don't know
6 if this is one that has been approved yet, and
7 there are meters on the front regulated by the
8 Parking Authority.

9 MR. SHAW: This is also under the
10 jurisdiction of the county because Kennedy
11 Boulevard --

12 CHAIRMAN VAINIERI: Yes.

13 MR. SHAW: -- is a county road.

14 CHAIRMAN VAINIERI: Correct. After
15 this hearing, they have to go to the county.

16 MR. DINEEN: Subject to county
17 approval.

18 CHAIRMAN VAINIERI: Do you want the
19 \$1.55 for the bus to go down.

20 MR. SHAW: Can I ride in the hearse?

21 CHAIRMAN VAINIERI: Eventually you
22 will. More than \$1.55 for you though. Thank you,
23 Mr. Shaw.

24 MR. SHAW: Wait a minute. I'm not
25 finished. I am concerned with this is going to be

1 a commercial enterprise. I'm not concerned with
2 the residential part except the parking problem.
3 You are certainly going to add to the parking
4 problem.

5 CHAIRMAN VAINIERI: Everything is
6 going to add to the parking problem. What was
7 there, there was cars there before that for the
8 commercial and residential that were there already
9 that aren't there now because it was damaged
10 through a fire. Now something else will go there.

11 MR. SHAW: If it was a nonconforming
12 use before, according to North Bergen zoning, if it
13 is not being used for six months, it reverts to the
14 original -- not the original plan but the current
15 zoning regulations for that area.

16 MS. HARTMANN: We have an application
17 before us that is seeking the variances necessary
18 to subdivide the property and build a new building.
19 So the old development on the site has no bearing
20 on the proposed new development.

21 MR. SHAW: I remember this well now.
22 The fire was right next to the firehouse and it
23 burned down.

24 CHAIRMAN VAINIERI: Isn't that funny.

25 MR. SHAW: Now, in that vein does

1 this property, this development is going to be
2 crowded on to an area that doesn't have the proper
3 clearances in the front yard and the backyard and
4 side. Will it, sir, have access for the firemen?

5 CHAIRMAN VAINIERI: They are going to
6 put a door in the back this time. They are going
7 to put a door right to the back of the fire
8 department. This way there is no miscommunication.

9 MR. SHAW: That firehouse was not in
10 use at the time, as I remember.

11 CHAIRMAN VAINIERI: It was alternated
12 but that's another issue.

13 MR. SHAW: Well, the door you
14 mentioned is not going --

15 CHAIRMAN VAINIERI: You see the fire
16 department has to close firehouses because they
17 don't have enough money to house them all because
18 some towns don't pay into the regional like they
19 are supposed to. So North Bergen is flipping the
20 bill for most towns to be protected, and that you
21 should go to other towns and raise an issue. You
22 shouldn't be here busting our chops. Go to Union
23 City and ask the mayor why he hasn't paid the
24 regional fire department in six months.

25 MR. SHAW: Because he doesn't like

1 Nick Sacco. That's easy.

2 CHAIRMAN VAINIERI: Has nothing to do
3 with safety.

4 MR. FUDA: You worry about water
5 runoff but you are not worried about the safety of
6 the people. Come on.

7 CHAIRMAN VAINIERI: Let's get back to
8 the question.

9 MR. SHAW: What does that have to do
10 with it? Did they fire any firemen? No, they are
11 still going. They are right across the street.

12 CHAIRMAN VAINIERI: We actually hired
13 more. Same fire department that carried you out to
14 safety.

15 MR. SHAW: Yeah. And I disagree with
16 Miss Hartmann on the chemicals used. She mentioned
17 vinegar. Vinegar is a condiment. You eat it. You
18 drink it. It's acid, five percent.

19 CHAIRMAN VAINIERI: Anybody else in
20 the public? Let the record reflect there is nobody
21 in the audience at all other than Mr. Shaw, the
22 attorney and the applicant.

23 At this time this board has to make a
24 decision on this property. This is a use that was
25 there before. Damage from a fire and then the

1 person purchased the property to develop it the
2 same way.

3 MR. PESTANA: I make a motion to
4 approve the application.

5 MS. BARATTIN: I will second.

6 MS. ACOSTA: John Bender.

7 MR. BENDER: Yes.

8 MS. ACOSTA: Emil Fuda.

9 MR. FUDA: Yes.

10 MS. ACOSTA: Diane Rich.

11 MS. RICH: Yes.

12 MS. ACOSTA: Rishi Mehta.

13 MR. MEHTA: Yes.

14 MS. ACOSTA: Anna Barattin.

15 MS. BARATTIN: Yes.

16 MS. ACOSTA: Joanne Colello.

17 MS. COLELLO: Yes.

18 MS. ACOSTA: Frank Pestana.

19 MR. PESTANA: Yes.

20 MS. ACOSTA: Anthony Vainieri.

21 CHAIRMAN VAINIERI: Yes, to approve.

22 Motion to close. All in favor.

23 (Motion passes unanimously.)

24

25

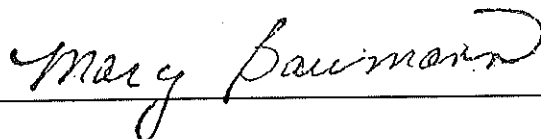
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8 at the place and on the date hereinbefore set
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10 I further certify that I am neither attorney
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