

**BOROUGH OF FORT LEE
ZONING BOARD OF ADJUSTMENT**

**MEMORIALIZATION RESOLUTION AS
TO APPLICATION NO. ZBA 43-17**

In the Matter of the Application of
Ray Reduce Development, Inc.
For Subdivision Relief to Block 3752, Lot 10
460 North Avenue
Application No. ZBA 43-17

WHEREAS, the Applicant seeks a minor subdivision of Lot 10 in Block 3752; and

WHEREAS, the property is located within the R3 One and Two-Family Residential District; and

WHEREAS, the matter came on before the Board on December 12, 2017 and the Board heard the application for subdivision and preliminary and final site plan on Lot 10 simultaneously but voting individually for each application; and

WHEREAS, the parcel prior to subdivision consists of 11,000 square feet on the southwest corner of North Avenue and 11th Street. The parcel has 112.6 feet of frontage on 11th Street and 100 feet of frontage on North Avenue and the bulk of the parcel is steeply sloped; and

WHEREAS, an existing dwelling sits on a flat portion of the parcel fronting on 11th Street which then drops off to the west. The difference in grade between the front lot line on 11th Street and the rear lot line is up to 20 feet in some areas; and

WHEREAS, the property is presently improved with a one story brick dwelling and a small shed at the rear of the dwelling with an entrance on 11th Street and the garage access through North Avenue; and

WHEREAS, the proposed subdivision will result in two tax lots and will not necessitate any new municipal services; and

WHEREAS, the Applicant presented the testimony of:

Mark Martins - Engineer
Vassilios Cocoros – Architect
David Spatz - Planner

and

WHEREAS, the Applicant presented the following documents in evidence:

Exhibit A-1 - Second sheet, grading plan, colorized

Exhibit A-2 - Photo Board of Site and Surrounding Area; and

WHEREAS, members of the public were afforded the opportunity to question the Applicant's witnesses and to express their opinions and Joann McRae of 480 North Avenue had questions about the sewer system; and

WHEREAS, the Board is in receipt of two letter reports from its Planner, Philips Preiss Grygiel, LLC dated October 5, 2017 and December 7, 2017; letter from the Fire Sub-Code Official dated November 13, 2017; and letter from Neglia Engineering dated December 7 2-17; and

WHEREAS, the property is located in the center of the Borough within a solid one and two family residential area. The area consists primarily of older homes with Westgate and Mediterranean Towers condominium within four blocks to the west. All properties within the area are generally similar in size and configuration of the subject property; and

WHEREAS, the use on proposed Lots 10.01 and 10.02 are in compliance with the use requirements of the zone but both will require "d(4) variance for FAR and a "d(6)" variance for building height in excess of 10% of permitted; and

WHEREAS, the Applicant was represented by Marc Macri, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Fort Lee that the following findings of fact and conclusions of law are made by the Board:

(1) That all of the Whereas Recitals set forth above are incorporated, as if set forth at length herein, as part of the Board's findings.

(2) That the application, plans and documents submitted herewith to the Board are made a part of this record.

(3) The Board finds that this minor subdivision will create two new residential lots without any necessary municipal expansion of services and will comply with the Master Plan's objective to preserve and create residential uses in the municipality.

(4) The Board finds specifically that the purposes of the Master Plan and Zoning Ordinance is advanced by this application in that it is creating new housing stock and advances the continuation of the residential uses in the district.

(5) The Board also finds the project satisfies the Master Plan guidelines to maintain as much as possible a residential nature of a municipality while upgrading the Borough's residential housing stock.

NOW THEREFORE BASED ON THE FOREGOING FINDINGS AND CONCLUSIONS, BE IT RESOLVED by the Zoning Board of the Borough of Fort Lee that

the Board grants the necessary subdivision to subdivide Lot 10 into 10.01 and 10.02 in accordance with the subdivision plan submitted to the Board subject to the following:

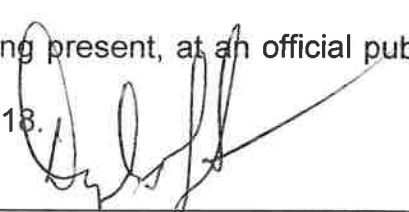
- (a) The Applicant shall be responsible for preparing and filing a Subdivision Deed in compliance with Section 365-17.C of the Borough's "Procedures for Minor and Major Subdivision Approval."
- (b) The proposed lot number should be as determined by the Tax Assessor.
- (c) The Applicant shall comply with all requirements of the Borough Engineer and all Borough experts.
- (d) If approval is required by the County Planning Board, the Board conditions its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board.
- (e) The Applicant shall prepare the approved minor subdivision which shall be filed with the developer, with the County recording officer, municipal engineer and municipal tax assessor. Any such plat or Deed shall have been signed by the Chairman and Secretary of the Board of Adjustment.

BE IT FURTHER RESOLVED that notice of this decision shall be published in the official newspaper of the Borough of Fort Lee.

BE IT FURTHER RESOLVED that the members of this Board of Adjustment who voted for said variances at its official public meeting held on the 12TH day of December, 2017 do hereby MEMORIALIZE AND CONFIRM the foregoing findings of fact,

determinations and decisions set forth in this Resolution of Memorialization as the official action taken by this Board on said date, in accordance with the provisions of N.J.S.A. 40:55D-10(g)(2) of the New Jersey Municipal Land Use Law this 12th day of December, 2017.

I hereby certify that this Resolution of Memorialization was duly adopted by a majority vote of the members of the Fort Lee Zoning Board of Adjustment who voted in favor of said decision, a quorum of the membership being present, at an official public meeting of said Board held on the 9th day of January, 2018.



D. SUGARMAN, Chairperson

Vote for the Approval of Variance Relief

Board Member	Motion	Second	Yes	No	Abstain	Absent
John Nitti			X			
Jeff Silver			X			
Howard Joh	X		X			
George Makroulakis			X			
Dennis Conway			X			
Harry Liapes		X	X			
Doug Sugarman			X			
Paul Yoon - 1 st alt.						X
Donald Starace - 2nd alt.			X			X

Vote for the Memorialization

Board Member	Motion	Second	Yes	No	Abstain	Absent
John Nitti						
Jeff Silver			✓			
Howard Joh			✓			
George Makroulakis			✓			
Dennis Conway		✓	✓			
Harry Liapes	✓		✓			
Doug Sugarman			✓			
Francis Yook - 1 st alt.						
Donald Starace - 2nd alt.						

December 7, 2017

Via: Email & Regular Mail

Zoning Board of Adjustment
Borough of Fort Lee
309 Main Street, Room 200
Fort Lee, NJ 07024

Attn.: Ms. Christen Trentacosti, Board Secretary

Re: **Engineering and Subdivision Review**
1543 Eleventh Street; 460 North Avenue
Block 3752, Proposed Lot 10.02 (Existing Lot 10)
Borough of Fort Lee, Bergen County, New Jersey
NEA No.: FTLESPL17.033 (ZBA Appl. #43-17A)

Honorable Board Members:

Neglia Engineering Associates (“NEA”) has performed an engineering and subdivision review of the application and plans for the above referenced development. Specifically, we have reviewed the following documents:

- Signed and sealed Site Plan Set consisting of four (4) sheets entitled, “460 North Avenue, Lot 10, Block 3752, Situated in the Borough of Fort Lee, Bergen County, N.J.,” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated September 1, 2017.
- Signed and sealed Architectural Plans Set consisting of two (2) sheets entitled, “Project: Proposed New: Two Family Dwelling, Located at: 1543 Eleventh Street, Fort Lee, New Jersey, Block: 3752, Lots: 10.02, R3 Zone,” prepared by Vassilios Cocoros, R.A. of V.C.A. Group, LLC., dated July 29, 2017, last revised August 17, 2017.
- Property Survey consisting of one (1) sheet entitled, “Boundary & Topographic Survey, 460 North Avenue, Lot 10, Block 3752, Borough of Fort Lee, Bergen County, N.J.,” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated November 14, 2016.
- Drainage Calculations entitled “Drainage Calculations, 460 North Avenue, Lot 10, Block 3752, Borough of Fort Lee,” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated September 1, 2017.
- Borough of Fort Lee Application for Development, prepared by Marc D. Macri, Esq., dated September 20, 2017.
- Authorization & Certification Statement (signed), dated September 20, 2017.
- Borough of Fort Lee Application Checklist, prepared by Marc D. Macri, Esq., dated September 20, 2017.
- Borough of Fort Lee Environmental Questionnaire.
 - Site photographs.



- Cover Letter prepared by Marc. D. Macri, Esq., of Law Offices, Marc D. Macri, P.C., dated September 27, 2017.

1. Project & Property Description

The subject property is located on Block 3752, Lot 10 as per the Borough of Fort Lee Tax Map, and is commonly known as 460 North Avenue. The subject property consists of a corner lot located at the intersection of North Avenue and Eleventh Street. The property in question is located within the R-3 Residential Zone and consists of a one and one-half (1 ½) story residential dwelling with an associated storage shed, a concrete driveway, slate and concrete walkways, paver patio, sections of concrete retaining walls, and chain-link fencing.

The Applicant proposes to remove all residential buildings and associated lot improvements and subdivide Lot 10 into two (2) separate parcels, proposed Lots 10.01 and 10.02. This review letter pertains only to Block 372, Lot 10.02, which is proposed as 1543 Eleventh Street. The Applicant proposes to construct a three (3) story, two (2) family residential dwelling within proposed Lot 10.02 with associated paver driveways, concrete walkways, entrance stairways and rear yard decks. Additional site improvements consist of the construction of keystone retaining walls located within the front, side, and rear portions of the property, landscaping improvements, utilities, and a stormwater management system.

2. General Comments

- 2.1 Neglia Engineering Associates (NEA) recommends that the comments and their required revisions be considered by the Borough of Fort Lee Zoning Board of Adjustment as Conditions of Approval should the Board act favorably in this matter unless indicated otherwise. We recommend that comments requesting testimony be addressed during the Applicant's presentation to the Board.
- 2.2 Neglia Engineering Associates defers to the Board Planner with respect to proposed building height, setbacks, bulk variances, waivers and other elements specifically requiring planning review as it relates to the Borough of Fort Lee Ordinances.

3. Engineering Comments

- 3.1 The Applicant's professionals shall provide testimony in support of the requested variances.
- 3.2 The Applicant proposes a keystone retaining wall located within the rear portion of the subject property with a maximum wall height of 4.40 feet (4'-5"). The Applicant shall note that walls which exceed three (3) feet in height require wall structural calculations signed and sealed by a New Jersey licensed professional engineer. As such, the Applicant shall submit the required wall structural calculations for review.
- 3.3 Upon completion of construction, if granted approval, the Applicant shall provide a wall stability certification signed and sealed by a New Jersey licensed Professional Engineer.
- 3.4 The Applicant shall provide details of the fall protection for the proposed perimeter walls.
- 3.5 The site contains an existing retaining wall with chain-link fence located along the northwestern property boundary which is to remain. NEA recommends that the existing fence be replaced with new decorative style fencing with privacy screening. Furthermore, the Applicant shall provide wall stability calculations, signed and sealed by a New Jersey licensed engineer, to ensure that the proposed development will not adversely impact the structural integrity of said wall. Notation indicating the same is provided within the Site Plan Set.



- 3.6 The Applicant proposes masonry steps located within the subject property to provide a safe means of travel between the front and rear yards, which includes a change in elevation in excess of 17 feet. Construction details for said masonry steps shall be included within the Site Plan Set. The steps shall contain associated safety railings.
- 3.7 The Applicant proposes masonry steps which traverse both proposed Lots 10.01 and 10.02. Testimony addressing maintenance responsibilities and easements for the steps shall be provided.
- 3.8 The provided concrete vertical curb construction detail shall be amended to include a pavement cross-section to illustrate the pavement repair strip area.
- 3.9 The Applicant shall dimension the width of proposed sidewalk replacement along the property frontage within the Borough of Fort Lee right-of-way. A concrete sidewalk construction detail shall be provided within the Site Plan Set.
- 3.10 The proposed A/C units shall be situated on reinforced concrete pads. A reinforced concrete pad construction detail shall be provided within the Site Plan Set.
- 3.11 The Applicant shall ensure that all construction vehicles are operated in such a way that would not deposit soil in any right-of-way or within any other private property. Additionally, if any soil or sediment is deposited as indicated above, the contractor shall be responsible to immediately rectify the situation. Notation indicating the same shall be provided on the plan.
- 3.12 The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Borough of Fort Lee and NEA prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area.
- 3.13 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.

4. Grading, Drainage and Utility Comments

- 4.1 The Applicant shall provide a survey that overlaps approximately ten (10) feet onto adjacent properties to evaluate potential drainage impacts on the surrounding properties.
- 4.2 The Applicant shall provide additional spot elevations at the proposed building corners.
- 4.3 The Applicant shall provide a trench drain construction detail.
- 4.4 The proposed site improvements do not classify the project as a "Major Development" as defined under the Stormwater Management Adopted New Rule: N.J.A.C. 7:8 by disturbing less than an acre of land, and by not increasing the property's impervious coverage by more than a quarter acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates. Under pre-construction conditions, the site is 37.42% impervious (inclusive of the entire existing Block 3752, Lot 10) and it appears that the site drains to the Borough of Fort Lee municipal conveyance system via of uncontrolled sheet flow. Under proposed conditions, the impervious coverage within the entire site (Block 3752, proposed Lots 10.01 and 10.02) will be increased to 64.91% (a net increase of 3,117 square feet). Stormwater runoff generated by the proposed dwelling roof area within Block 3752, proposed Lot 10.02) will drain to four (4) proposed retention systems (Cultec Stormwater Chamber System) located in the front and rear of the property via PVC roof leader piping and an interconnected conveyance system within the site (i.e.



a trench drain within the proposed driveway). Based on the submitted Drainage Calculations, the Applicant has provided sufficient capacity within the proposed retention systems to ensure that post construction run-off rates do not exceed existing runoff rates. NEA takes no exception to the drainage design methodology for Block 3752, proposed Lot 10.02.

- 4.5 The Applicant shall provide maintenance plan for the proposed stormwater management system on the Site Plan. Said maintenance plan shall comply with the guidelines established within the New Jersey Stormwater Best Management Practices (BMP) Manual. The plan shall include an enforcement mechanism.
- 4.6 The Applicant shall identify the location of the drains associated with the proposed retaining walls and their discharge points. No pipes shall discharge to private property or the public right-of-way.
- 4.7 The Applicant shall provide drainage to intercept the runoff from the proposed stairways, between the buildings, prior conveying to the rear, adjacent properties.
- 4.8 The Applicant shall provide the rim elevations for the proposed retention system inspection ports.
- 4.9 The site appears to be located in a Combined Sewerage System tributary area. Recent regulations require that the Owners of a Combined Sewerage System (the municipality) must control excessive infiltration and inflow discharges into their Combined Sewerage System. As part of this requirement, stormwater runoff volume generated from a proposed development in excess of pre-development runoff volume shall be addressed and resolved prior to the commencement of construction activities. In the event that the site's drainage design exceeds predevelopment runoff, an alternate conforming stormwater system plan is required. The Applicant has proposed a recharger infiltration system to mitigate the increase in impervious area on-site. Seepage pits can be an effective stormwater management system if the on-site soil conditions conform to current NJDEP BMP standards for infiltration systems and the system is not negatively impacted by the elevation of rock, groundwater and proximity of adjacent properties.

A percolation/permeability test shall be performed in the vicinity of the proposed infiltration system. The Applicant shall also locate the seasonal high water table. NEA shall be notified a minimum forty-eight (48) hours in advance of this testing so that a representative of our office may be present for this testing. In the event that the tests indicate constraining soil conditions, an alternate design (i.e. detention system) shall be provided. The engineer-of-record, or a representative thereof, shall be present during percolation/permeability testing. In addition, the engineer-of-record shall submit a signed and sealed certification regarding the results of said testing.

- 4.10 The Applicant shall ensure that all stormwater runoff is directed away from the proposed building and is not directed towards adjacent properties. The Applicant is responsible for any negative impacts to adjacent properties due to on-site improvements. Should a negative impact be identified upon completion of the project, the impact shall be addressed immediately. A note on the plan indicating the same shall be provided.
- 4.11 The Applicant shall provide invert and rim elevations for the proposed sanitary cleanouts.
- 4.12 The Applicant shall identify the location of proposed electric, telephone and fiber-optic utility lines on the Site Plan Set. Said utilities shall be installed underground. Notation indicating the same shall be provided on the Site Plan Set.



5. Subdivision Comments

- 5.1 As per Chapter §365-3 of the Borough of Fort Lee Code, the proposed subdivision is characterized as a Minor Subdivision. The application has been prepared and reviewed as such.
- 5.2 Based upon the reviewed documents, NEA has determined that all proposed lot enclosures and areas are acceptable.
- 5.3 The applicant shall revise the Subdivision Plan to include the corner marker waiver statement in accordance with N.J.A.C. §13:40-5.1(d).
- 5.4 The subdivision plan shall be updated to indicate the basis of bearing on the north arrow.
- 5.5 The Applicant has not provided any deeds or easements descriptions for review. The Applicant shall submit the same for review.
- 5.6 In accordance with the subdivision checklist provided within the Borough of Fort Lee Code, the Applicant shall provide the a current survey of the premises showing the horizontal and vertical datum, as well as the establishment of one (1) vertical benchmark.
- 5.7 The Applicant shall provide testimony confirming if the proposed subdivision will be perfected by deed or map. Should the Applicant perfect the subdivision by map, the plat shall satisfy the New Jersey Title Recordation Law requirements.

6. Landscaping and Lighting Comments

- 6.1 The Applicant proposes porch lights at the proposed dwelling unit entrances, decks and garages. The Applicant shall illustrate iso-contours and a proposed point-to-point analysis for the proposed lighting. Construction details for the proposed lighting fixtures shall be provided within the Site Plan Set. Testimony shall be provided as it relates to compliance with applicable section of the Borough of Fort Lee Code.
- 6.2 NEA recommends that the Applicant install an irrigation system to ensure that all proposed landscaping plant materials thrive.
- 6.3 The Applicant proposes a Red Maple tree located within the front planting bed. Said tree is too large and not appropriate for said location. NEA recommends that that a narrow, upright variety tree, such as a Bowhall Red Maple, Japanese Lilac Tree, or approved equal, be installed in lieu of the proposed tree.
- 6.4 The proposed Red Maple tree is located directly along the proposed property boundary between Block 3752, proposed Lot 10.01 and 10.02. NEA recommends that the Applicant relocate said tree such that it is located within either Lot 10.01 or 10.02 to establish a means of ownership and proper maintenance.
- 6.5 The Applicant proposes a Japanese Tree Lilac in the rear yard that will conflict with the proposed retention system. Said tree shall be removed or relocated such that said conflict is addressed.
- 6.6 The proposed Emerald Green Arborvitae shrubs proposed for the rear yard along the top portion of the proposed retaining wall will hide the proposed Azalea shrubs to be installed along the lower portion of the wall. Under the proposed conditions, the Azalea shrubs will be hidden from view. NEA recommends that Azalea shrubs be relocated to along the top portion of the wall and that the proposed Emerald Green Arborvitae be installed along the lower portion of the wall.



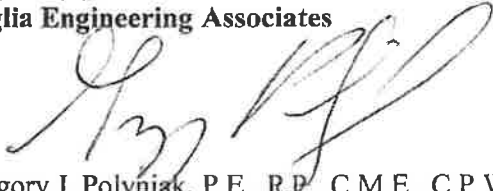
- 6.7 The Applicant shall make clear within the Site Plan Set the limits of proposed lawn areas and plant beds.

7. General Comments

- 7.1 Applicant shall comply with all approvals required by outside agencies or municipal departments, including but not limited to Bergen Soil Conservation District, BCUA, NJDOT, Borough of Fort Lee Police Department, Fire Department, Emergency Services and Department of Public Works and other applicable utility providers. It is the Applicant's responsibility to determine what outside agency permits or municipal approvals are required. Copies of said approvals shall be provided upon receipt.
- 7.2 Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 7.3 The above comments are based on a review of materials submitted to date. NEA reserves the right to provide new or updated comments as additional information becomes available.
- 7.4 We defer all comments regarding application completeness, variances and waivers to the Board Planner.

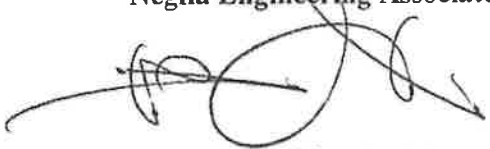
We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates



Gregory J. Polyniak, P.E., R.P., C.M.E., C.P.W.M.
For the Zoning Board Engineer
Borough of Fort Lee

Very truly yours,
Neglia Engineering Associates



David Juzmeski, P.E., P.P.
For the Zoning Board Engineer
Borough of Fort Lee

cc: Joseph Mariniello, Sr., Esq. – Board Attorney (*via: email*)
Michael Jovishoff, P.P. – Board Planner (*via: e-mail*)
Brian Ribarro - Zoning Office (*via: e-mail*)
Ed Mignone - Borough Engineer (*via: e-mail*)
Ray Reduce Development, Inc. – Applicant (*via: regular mail*)
Marc D. Macri, Esq. – Applicant's Attorney (*via: regular mail*)
Vassilios Cocoros, R.A. – Applicant's Architect (*via: regular mail*)
Mark S. Martins, P.E., P.L.S. – Applicant's Engineer (*via: regular mail*)

December 7, 2017

Via: Email & Regular Mail

Zoning Board of Adjustment
Borough of Fort Lee
309 Main Street, Room 200
Fort Lee, NJ 07024

Attn.: Ms. Christen Trentacosti, Board Secretary

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Block 3752, Proposed Lot 10.01 (Existing Lot 10)
Borough of Fort Lee, Bergen County, New Jersey
NEA No.: FTLESPL17.033 (ZBA Appl. #43-17B)

Honorable Board Members:

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The Applicant proposes to remove all residential buildings and associated lot improvements and to subdivide Lot 10 into two (2) separate parcels, proposed as Lots 10.01 and 10.02. This review letter pertains only to Block 372, Lot 10.01, which is proposed as 1547 Eleventh Street. The Applicant proposes to construct a three (3) story, two (2) family residential dwelling within proposed Lot 10.01 with associated paver driveways, concrete walkways, entrance stairways and rear yard decks. Additional site improvements consist of the construction of keystone retaining walls located within the front, side, and rear portions of the property, utilities, landscaping improvements, and a stormwater management system.

2. General Comments

- 2.1 Neglia Engineering Associates (NEA) recommends that the comments and their required revisions be considered by the Borough of Fort Lee Zoning Board of Adjustment as Conditions of Approval should the Board act favorably in this matter unless indicated otherwise. We recommend that comments requesting testimony be addressed during the Applicant's presentation to the Board.
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3. Engineering Comments

- 3.1 The Applicant's professionals shall provide testimony in support of the requested variances.
- 3.2 The Applicant proposes a keystone retaining wall located within the rear portion of the subject property with a maximum wall height of 4.40 feet (4'-5"). The Applicant shall note that walls which exceed three (3) feet in height require wall structural calculations signed and sealed by a New Jersey licensed professional engineer. As such, the Applicant shall submit the required wall structural calculations for review.
- 3.3 Upon completion of construction, if granted approval, the Applicant shall provide a wall stability certification signed and sealed by a New Jersey licensed Professional Engineer.
- 3.4 The Applicant shall provide details of the fall protection for the proposed perimeter walls.



- 3.5 The site contains an existing retaining wall with chain-link fence located along the northwestern property boundary, which is to remain. NEA recommends that the existing fence be replaced with new decorative style fencing with privacy screening. Furthermore, the Applicant shall provide wall stability calculations, signed and sealed by a New Jersey licensed Professional Engineer, to ensure that the proposed development will not adversely impact the structural integrity of said wall. Notation indicating the same is provided within the Site Plan Set.
- 3.6 The Applicant proposes to reconstruct all sidewalk and curb within the right-of-way along the property frontage. The Applicant shall ensure that the existing curb ramp located at the intersection of Eleventh Street and North Avenue is reconstructed in accordance with the current ADA Standards for Accessible Design. Associated curb ramp construction details, inclusive of a detectable warning surface detail, shall be provided on the Site Plan Set. In addition, a concrete sidewalk construction detail shall be provided.
- 3.7 The Applicant shall provide site triangles on the Site Plan Set at the proposed driveways which illustrate clear sightlines.
- 3.8 The Applicant proposes masonry steps located within the subject property to provide a safe means of travel between the front and rear yards, which includes a change in elevation in excess of 17 feet. Construction details for said masonry steps shall be included within the Site Plan Set. The steps shall contain associated safety railings.
- 3.9 The Applicant proposes masonry steps which traverse both proposed Lots 10.01 and 10.02. Testimony addressing maintenance responsibilities and easements for the steps shall be provided.
- 3.10 The provided concrete vertical curb construction detail shall be amended to include a pavement cross-section to illustrate the pavement repair strip area.
- 3.11 The Applicant shall dimension the width of proposed sidewalk replacement along the property frontage within the Borough of Fort Lee right-of-way.
- 3.12 The proposed A/C units shall be situated on reinforced concrete pads. A reinforced concrete pad construction detail shall be provided within the Site Plan Set.
- 3.13 The Applicant shall ensure that all construction vehicles are operated in such a way that will not deposit soil in any right-of-way or within any other private property. Additionally, if any soil or sediment is deposited as indicated above, the contractor shall be responsible to immediately rectify the situation. Notation indicating the same shall be provided on the plan.
- 3.14 The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Borough of Fort Lee and NEA prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area.
- 3.15 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.



4. Grading, Drainage and Utility Comments

- 4.1 As noted above, the proposed curb ramp reconstruction at the intersection of Eleventh Street and North Avenue shall be in accordance with the current ADA Standards for Accessible Design. Additional spot grades and grading information shall be provided at the proposed ADA compliant curb ramp location to confirm compliance with the above referenced design standards.
- 4.2 The Applicant shall provide a survey that overlaps approximately ten (10) feet onto adjacent properties to evaluate potential drainage impacts on the surrounding properties.
- 4.3 The Applicant shall provide additional spot elevations at the proposed building corners.
- 4.4 The Applicant shall provide a trench drain construction detail.
- 4.5 The proposed site improvements do not classify the project as a "Major Development" as defined under the Stormwater Management Adopted New Rule: N.J.A.C. 7:8 by disturbing less than an acre of land, and by not increasing the property's impervious coverage by more than a quarter acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates. Under pre-construction conditions, the site is 37.42% impervious (inclusive of the entire existing Block 3752, Lot 10) and it appears that the site drains to the Borough of Fort Lee municipal conveyance system via uncontrolled sheet flow. Under proposed conditions, the impervious coverage within the entire site (Block 3752, proposed Lots 10.01 and 10.02) will be increased to 64.91% (a net increase of 3,117 square feet). Stormwater runoff generated by the proposed dwelling roof area within Block 3752, proposed Lot 10.01) will drain to four (4) proposed retention systems (Cultec Stormwater Chamber System) located in the front and rear of the property via PVC roof leader piping and an interconnected conveyance system within the site (i.e. a trench drain within the proposed driveway). Based on the submitted Drainage Calculations, the Applicant has provided sufficient capacity within the proposed retention systems to ensure that post construction runoff rates do not exceed existing runoff rates. NEA takes no exception to the drainage design methodology for Block 3752, proposed Lot 10.01.
- 4.6 The Applicant shall provide maintenance plan for the proposed stormwater management system on the Site Plan. Said maintenance plan shall comply with the guidelines established within the New Jersey Stormwater Best Management Practices (BMP) Manual. The plan shall include an enforcement mechanism.
- 4.7 The Applicant shall provide the rim elevations for the proposed retention system inspection ports.
- 4.8 The Applicant shall identify the location of the drains associated with the proposed retaining walls and their discharge points. No pipes shall discharge to private property or the public right-of-way.
- 4.9 The Applicant shall provide drainage to intercept the runoff from the proposed stairways, between the buildings, prior conveying to the rear, adjacent properties.
- 4.10 The site appears to be located in a Combined Sewerage System tributary area. Recent regulations require that the Owners of a Combined Sewerage System (the municipality) must



control excessive infiltration and inflow discharges into their Combined Sewerage System. As part of this requirement, stormwater runoff volume generated from a proposed development in excess of pre-development runoff volume shall be addressed and resolved prior to the commencement of construction activities. In the event that the site's drainage design exceeds predevelopment runoff, an alternate conforming stormwater system plan is required. The Applicant has proposed a recharger infiltration system to mitigate the increase in impervious area on-site. Seepage pits can be an effective stormwater management system if the on-site soil conditions conform to current NJDEP BMP standards for infiltration systems and the system is not negatively impacted by the elevation of rock, groundwater and proximity of adjacent properties.

A percolation/permeability test shall be performed in the vicinity of the proposed infiltration system. The Applicant shall also locate the seasonal high water table. NEA shall be notified a minimum forty-eight (48) hours in advance of this testing so that a representative of our office may be present for this testing. In the event that the tests indicate constraining soil conditions, an alternate design (i.e. detention system) shall be provided. The engineer-of-record, or a representative thereof, shall be present during percolation/permeability testing. In addition, the engineer-of-record shall submit a signed and sealed certification regarding the results of said testing.

- 4.11 The Applicant shall ensure that all stormwater runoff is directed away from the proposed building and is not directed towards adjacent properties. The Applicant is responsible for any negative impacts to adjacent properties due to on-site improvements. Should a negative impact be identified upon completion of the project, the impact shall be addressed immediately. A note on the plan indicating the same shall be provided.
- 4.12 The Applicant shall provide invert and rim elevations for the proposed sanitary cleanouts.
- 4.13 The Applicant proposes a five (5) foot wide sanitary sewer easement traversing Lot 10.01. Said easement encompasses a proposed sanitary sewer pipe located within Block 3752, proposed Lot 10.02 which directs sanitary waste from the dwellings located within both proposed Lots 10.01 and 10.02 to the existing sanitary main within North Avenue. The proposed easement shall be a minimum of ten (10) feet in width or approved by the Borough of Fort Lee DPW for the proposed width. The Applicant shall amend the proposed easement accordingly and provide a metes and bounds description for the proposed easement.
- 4.14 The Applicant shall identify the location of proposed electric, telephone and fiber-optic utility lines on the Site Plan Set. Said utilities shall be installed underground. Notation indicating the same shall be provided on the Site Plan Set.

5. Subdivision Comments

- 5.1 As per Chapter §365-3 of the Borough of Fort Lee Code, the proposed subdivision is characterized as a Minor Subdivision. The application has been prepared and reviewed as such.
- 5.2 Based upon the reviewed documents, NEA has determined that all proposed lot enclosures and areas are acceptable.



- 5.3 The applicant shall revise the Subdivision Plan to include the corner marker waiver statement in accordance with N.J.A.C. §13:40-5.1(d).
- 5.4 The subdivision plan shall be updated to indicate the basis of bearing on the north arrow.
- 5.5 The Applicant has not provided any deeds or easements descriptions for review. The Applicant shall submit the same for review.
- 5.6 In accordance with the subdivision checklist provided within the Borough of Fort Lee Code, the Applicant shall provide the a current survey of the premises showing the horizontal and vertical datum, as well as the establishment of one (1) vertical benchmark.
- 5.7 The Applicant shall provide testimony confirming if the proposed subdivision will be perfected by deed or map. Should the Applicant perfect the subdivision by map, the plat shall satisfy the New Jersey Title Recordation Law requirements.

6. Landscaping and Lighting Comments

- 6.1 The Applicant proposes porch lights at the proposed dwelling unit entrances, decks and garages. The Applicant shall illustrate iso-contours and a proposed point-to-point analysis for the proposed lighting. Construction details for the proposed lighting fixtures shall be provided within the Site Plan Set. Testimony shall be provided as it relates to compliance with applicable section of the Borough of Fort Lee Code.
- 6.2 NEA recommends that the Applicant install an irrigation system to ensure that all proposed landscaping plant materials thrive.
- 6.3 NEA recommends that the Applicant install additional annuals along the northeastern property boundary. In addition, NEA recommends that the Applicant install low evergreens and flowering shrubs in conjunction with the recommended annuals.
- 6.4 The Applicant proposes a Red Maple tree located within the front planting bed. Said tree is too large and not appropriate for said location. NEA recommends that that a narrow, upright variety tree, such as a Bowhall Red Maple, Japanese Lilac Tree, or approved equal, be installed in lieu of the proposed tree.
- 6.5 The proposed Red Maple tree is located directly along the proposed property boundary between Block 3752, proposed Lot 10.01 and 10.02. NEA recommends that the Applicant relocate said tree such that it is located within either Lot 10.01 or 10.02 to establish a means of ownership and proper maintenance.
- 6.6 The Applicant proposes a Japanese Tree Lilac in the rear yard that will conflict with the proposed retention system. Said tree shall be removed or relocated such that said conflict is addressed.
- 6.7 The proposed Emerald Green Arborvitae shrubs proposed for the rear yard along the top portion of the proposed retaining wall will hide the proposed Azalea shrubs to be installed along the lower portion of the wall. Under the proposed conditions, the Azalea shrubs will be hidden from view. NEA recommends that Azalea shrubs be relocated to along the top portion of the wall and that the proposed Emerald Green Arborvitaes be installed along the lower portion of the wall.



- 6.8 The Applicant shall make clear within the Site Plan Set the limits of proposed lawn areas and plant beds.

7. General Comments

- 7.1 Applicant shall comply with all approvals required by outside agencies or municipal departments, including but not limited to Bergen Soil Conservation District, BCUA, NJDOT, Borough of Fort Lee Police Department, Fire Department, Emergency Services and Department of Public Works and other applicable utility providers. It is the Applicant's responsibility to determine what outside agency permits or municipal approvals are required. Copies of said approvals shall be provided upon receipt.
- 7.2 Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 7.3 The above comments are based on a review of materials submitted to date. NEA reserves the right to provide new or updated comments as additional information becomes available.
- 7.4 We defer all comments regarding application completeness, variances and waivers to the Board Planner.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates

Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M.
For the Zoning Board Engineer
Borough of Fort Lee

Very truly yours,
Neglia Engineering Associates

David Juzmeski, P.E., P.P.
For the Zoning Board Engineer
Borough of Fort Lee

cc: Joseph Mariniello, Sr., Esq. – Board Attorney (*via: email*)
Michael Jovishoff, P.P. – Board Planner (*via: e-mail*)
Brian Ribarro - Zoning Office (*via: e-mail*)
Ed Mignone - Borough Engineer (*via: e-mail*)
Ray Reduce Development, Inc. – Applicant (*via: regular mail*)
Marc D. Macri, Esq. – Applicant's Attorney (*via: regular mail*)
Vassilios Cocoros, R.A. – Applicant's Architect (*via: regular mail*)
Mark S. Martins, P.E., P.L.S. – Applicant's Engineer (*via: regular mail*)

**BOROUGH OF FORT LEE
ZONING BOARD OF ADJUSTMENT**

**MEMORIALIZATION RESOLUTION AS
TO APPLICATION NO. ZBA 43-17B**

In the Matter of the Application of
Ray Reduce Development Corp.
Relief to Block 3752, Lot 10.01
460 North Avenue
Application No. ZBA 43-17B

WHEREAS, the Applicant seeks preliminary and final site plan approval to demolish an existing one story one family brick dwelling and construct a two-family dwelling;

WHEREAS, the property is located within the R-3 One and Two Family Residential District and the proposed two-family dwelling is permitted in the R-3 zone; and

WHEREAS, the matter came on before the Board on December 12, 2017 and the Board heard the application for subdivision and proposed two-two family dwellings on each lot simultaneously but voting individually for each application; and

WHEREAS, the Applicant presented the testimony of:

Mark Martins - Engineer
Vassilios Cocoros – Architect
David Spatz - Planner

and

WHEREAS, the Applicant presented the following documents in evidence:

Exhibit A-1 - Second sheet, grading plan colorized;

Exhibit A-2 - Photo Board of Site and Surrounding Area; and

WHEREAS, members of the public were afforded the opportunity to question the Applicant's witnesses and to express their opinions and Joann McRae, 480 North Avenue appeared and questioned the storm water management system; and

WHEREAS, the Board is in receipt of two letter reports from its Planner, Philips Preiss Grygiel, LLC dated October 5 and December 7, 2017; letter from the Fire Sub-Code Official dated November 13, 2017; and letter from Neglia Engineering dated December 7, 2017; and

WHEREAS, the property is located in the center of the Borough within a solid one and two family residential area. The area consists primarily of older homes with Westgate and Mediterranean Towers condominium within four blocks to the west. All properties within the area are generally similar in size and configuration of the subject property; and

WHEREAS, the use on proposed Lots 10.01 and 10.02 are in compliance with the use requirements of the zone but both will require "d(4) variance for FAR and a "d(6)" variance for building height in excess of 10% of permitted; and

WHEREAS, a drainage system is proposed where none currently exists; and

WHEREAS, the proposed two-family dwelling is permitted in the R-3 zone. However, the proposed dwelling will require a "d(4)" variance for floor area ratio (FAR) in excess of permitted, and a "d(6)" variance for building height in excess of 10% of permitted. R-3 zone standards compared to the application are shown on the following table:

R-3 One and Two Family Residential District		
(Two-Family Standards)	REQUIRED	PROPOSED
Minimum lot area	6,000 sf.	5,740 sf. (v)
Minimum lot area per unit	3,000 sf.	2,870 sf. (v)
Minimum lot width	60 ft.	56.6 ft. (v)¹
Minimum lot depth	100 ft.	100 ft.
Maximum lot coverage	40%	42.9% (v)²
Minimum front yard	20 ft.	±18 ft. (v)³
Minimum rear yard – 25% of lot depth	25 ft.	17 ft.(v)⁴
Minimum side yard	6.5 ft.	3.3 ft. (v)⁵
Minimum side street yard	20 ft.⁶	4.42 ft. (v)
Minimum side yard-both	26.5 ft.	7.72 ft. (v)
Maximum height first floor to grade plane	3 ft.	13.98 ft. (v)
Maximum horizontal eave height	21 ft.	31.65 ft. (v)
Maximum building height (feet/stories)	28/2½	35.19/3⁷ "d(6)" variance
Maximum floor area ratio (FAR)	0.75	1.11⁸ "d(4)" variance
Minimum garage setback	37 ft.	NA⁹
Minimum parking spaces (ordinance)	3¹⁰	8
Minimum parking spaces (RSIS)	4¹¹	3.5 (de)¹²

(v) denotes variance relief required.

(de) de minimis exception to the RSIS.

Notes

¹ Measured at the front yard setback line.

² Section 410-7 of the Borough ordinance defines lot coverage as "[t]hat portion of one or more than one lot which is improved with principal buildings and structures on the ground surface." Our review of the plans indicates the total square footage of the principal buildings, plus the covered porches and attached stairs, is ±2,460.96 square feet or ±42.9% of the lot area.

³ Front yard setback is measured to the bay windows.

⁴ The minimum rear yard requirement is 25% of the property depth, to a maximum of 40 feet. The rear yard setback is measured to the decks.

⁵ The side yard setbacks are measured to the covered porches and stairs.

⁶ The ordinance, under §410-28D(1) states "[a]ny corner [l]ot delineated by subdivision or subject to site plan approval...shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on the same street." As such, in this case the minimum permitted side street setback is 20 feet.

⁷ Section 410-7 of the Borough ordinance defines the first story as "[t]he lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building." Although a sub-basement is proposed, the lowest level of the dwelling is considered the "basement," which is *less than 12 inches below* the average contact ground level, and as such is considered the "first floor" of the dwelling. Thus, the proposed dwelling is three stories in height.

⁸ The definition of "Gross Floor Area," under ordinance §410-7, states "...gross floor area shall include all floor areas...including habitable basements, cellars or attics..." It further defines "habitable" areas as having direct walk-in access or a minimum ceiling height of seven feet over an area of at least 70 square feet. As such, the proposed dwelling's basement is "habitable" and is included in the FAR calculations, and our review of the plans indicates an effective FAR of ± 1.11 .

⁹ Applies only to garage doors facing the street on *non-corner* lots.

¹⁰ Ordinance §410-44 states the minimum off-street parking requirement for two-family dwellings is "...two off-street parking spaces for each dwelling unit in a one-family dwelling and *1 1/2 off-street parking spaces for one dwelling unit in a two-family dwelling.*"

¹¹ The RSIS requires 2.0 parking spaces for a two-family dwelling with three bedrooms.

¹² The proposed garage can accommodate two cars. The RSIS, in §5.21-4.14(d)(2) states that "[a] two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination." The proposed driveway do not comply with the RSIS. As such, a de minimis exception will be required to the RSIS

Additional Variances

The applicant requires additional relief from the following sections of the Borough ordinance:

Section 410-27D states that "[n]o rear yard shall be filled in excess of two feet above the existing grade prior to construction." The applicant is proposing over ± 4 feet of fill in portions of the rear yard. As such, a variance will be required.

Section 410-44A indicates no parking may be provided in the front yard of a one or two family dwelling except for a single driveway not exceeding 16 feet in width. The proposed dwelling includes two driveways with a width of 18 feet and 17 feet, respectively. As such, variance relief is required for the number and widths of the driveways.

Section 410-27C states that "[a]ll roofs shall have a minimum pitch of four inches vertical distance for each 12 inches of horizontal distance." The applicant is proposing a roof pitch that is less than the minimum pitch required. As such a variance will be required.

WHEREAS, the Applicant was represented by Marc Macri, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Fort Lee that the following findings of fact and conclusions of law are made by the Board:

- (1) That all of the Whereas Recitals set forth above are incorporated, as if set forth at length herein, as part of the Board's findings.
- (2) That the application, plans and documents submitted herewith to the Board are made a part of this record.
- (3) The Board finds that the additional space created by the FAR variance does not increase the density of the property but is normal living accessory space found in the basement.
- (4) The Board finds that the site can adequately support the increased FAR. The Borough has reviewed the plans and finds the rooms creating the necessity for the "d(4)" variance are not related to the density but rather normal living accessory space. In addition the Board finds that air light and open space is preserved.
- (5) The Board finds specifically that the purposes of the Master Plan and Zoning Ordinance is advanced by this application in that it is creating new housing stock and advances the continuation of the residential uses in the district.
- (6) The Board also finds the project satisfies the Master Plan guidelines to maintain as much as possible a residential nature of a municipality while upgrading the Borough's residential housing stock.
- (7) The Board finds that all of the above characteristics satisfy the positive criteria and weigh heavily in favor of approval.

(8) The Board finds that the bulk variances are necessary because they advance the purposes of zoning and the benefit of deviating from the ordinance requirements outweigh any detriment.

(9) The Board finds that the bulk variances include benefits to the community as a whole for the reasons set forth in the paragraphs above and especially because it is creating a new residential building.

(10) The granting of these variances demonstrate that they can be granted without substantial detriment to the public good and without impairment to the intent and purpose of the zone plan and ordinance of the Borough, especially in view of the Applicant accepting the conditions of approval below.

(11) The Board finds that the "d(4)" FAR variance should be granted as the lot can adequately support any problems associated with the increased FAR.

(12) The Board finds that the topography of this lot creates topographical hardship to maintain the height restrictions of the zone.

(13) The Board finds that the "d(6)" variance can be granted without having any negative affect on the surrounding properties or neighborhood as a whole

NOW THEREFORE BASED ON THE FOREGOING FINDINGS AND CONCLUSIONS, BE IT RESOLVED by the Zoning Board of the Borough of Fort Lee that the Board grants the necessary variances including the "d(4)" for increased FAR and the "d(6)" for building height in excess of 10% of permitted in connection with the plans submitted to the Board for proposed Lot 10.01 subject to the following:

- (a) The Applicant shall be responsible for obtaining any and all other approvals from the County of Bergen or the State of New Jersey, or

permits required by law, and shall comply with any requirements or conditions of such approvals and permits;

- (b) The Applicant must pay all fees and escrows due to the Borough of Fort Lee.
- (c) The variances are further subject to the time limitations and conditions set forth in Ordinance 261-21 of the Borough of Fort Lee.
- (d) This approval is subject to the Applicant agreeing to increase the width of the planting strip between the driveways to five (5) feet.
- (e) This approval is subject to the Applicant agreeing to install plantings in the side yard behind the left unit porch.
- (f) This approval is subject to the Applicant agreeing to submitting a description of the proposed sewer easement to the Board Engineer for his review and approval.
- (g) This approval is subject to the Applicant agreeing to install a complying fence along the left-side lot line, between the front of the dwelling and the rear lot line, and submit a detail of the fence to the Board Planner and Board Engineer for their review and approval.
- (h) This approval is subject to the Applicant agreeing to install a sprinkler system throughout the entire dwelling, per the requirements of the Borough fire official.

- (i) This approval is subject to the Applicant agreeing to comply with the comments and recommendations of the Neglia Engineering review letter dated December 7, 2017.
- (j) This approval is subject to the Applicant agreeing to submit the revised plans to the Board Planner and Board Engineer for their review and approval.
- (k) This approval is subject to the Applicant agreeing to submit the revised plans to the Board Planner and Board Engineer for their review and approval.
- (l) The Applicant shall comply in all respects with the recommendations, approvals and conditions issued and imposed by the Borough of Fort Lee Sign and Facade Committee, and absent approvals, full compliance, the Construction Code Official of the Borough of Fort Lee or other agency shall take all measures to enforce compliance.
- (m) If this property is located in the Historical District, the Applicant shall apply for and obtain a Certificate of Appropriateness by the Historic Preservation Commission before a permit is issued or before Applicant can commence work.

BE IT FURTHER RESOLVED that notice of this decision shall be published in the official newspaper of the Borough of Fort Lee.

BE IT FURTHER RESOLVED that the members of this Board of Adjustment who voted for said variances at its official public meeting held on the 12TH day of December, 2017 do hereby **MEMORIALIZE AND CONFIRM** the foregoing findings of fact, determinations and decisions set forth in this Resolution of Memorialization as the official action taken by this Board on said date, in accordance with the provisions of N.J.S.A. 40:55D-10(g)(2) of the New Jersey Municipal Land Use Law this 12th day of December, 2017.

I hereby certify that this Resolution of Memorialization was duly adopted by a majority vote of the members of the Fort Lee Zoning Board of Adjustment who voted in favor of said decision, a quorum of the membership being present, at an official public meeting of said Board held on the 9th day January, 2018.



D. SUGARMAN, Chairperson

Vote for the Approval of Variance Relief

Board Member	Motion	Second	Yes	No	Abstain	Absent
John Nitti			X			
Jeff Silver			X			
Howard Joh	X		X			
George Makroulakis			X			
Dennis Conway			X			
Harry Liapes		X	X			
Doug Sugarman			X			
Paul Yoon - 1 st alt.						X
Donald Starace - 2nd alt.						X

Vote for the Memorialization

Board Member	Motion	Second	Yes	No	Abstain	Absent
John Nitti						
Jeff Silver			✓			
Howard Joh	✓		✓			
George Makroulakis			✓			
Dennis Conway		✓	✓			
Harry Liapes			✓			
Doug Sugarman			✓			
Francis Yook - 1 st alt.						
Donald Starace - 2nd alt.						

34 Park Avenue – PO Box 426
LYNDHURST, NEW JERSEY 07071
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1119 Raritan Road – Suite 2
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Tel: 201.939.8805 • Fax: 732.943.7249

December 7, 2017

Via: Email & Regular Mail

Zoning Board of Adjustment
Borough of Fort Lee
309 Main Street, Room 200
Fort Lee, NJ 07024

Attn.: Ms. Christen Trentacosti, Board Secretary

Re: **Engineering and Subdivision Review**
1547 Eleventh Street; 460 North Avenue
Block 3752, Proposed Lot 10.01 (Existing Lot 10)
Borough of Fort Lee, Bergen County, New Jersey
NEA No.: FTLESPL17.033 (ZBA Appl. #43-17B)

Honorable Board Members:

Neglia Engineering Associates ("NEA") has performed an engineering and subdivision review of the application and plans for the above referenced development. Specifically, we have reviewed the following documents:

- Signed and sealed Site Plan Set consisting of four (4) sheets entitled, "460 North Avenue, Lot 10, Block 3752, Situated in the Borough of Fort Lee, Bergen County, N.J.," prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated September 1, 2017.
- Signed and sealed Architectural Plans Set consisting of two (2) sheets entitled, "Project: Proposed New: Two Family Dwelling, Located at: 1547 Eleventh Street, Fort Lee, New Jersey, Block: 3752, Lots: 10.01, R3 Zone," prepared by Vassilios Cocoros, R.A. of V.C.A. Group, LLC., dated July 29, 2017, last revised August 17, 2017.
- Property Survey consisting of one (1) sheet entitled, "Boundary & Topographic Survey, 460 North Avenue, Lot 10, Block 3752, Borough of Fort Lee, Bergen County, N.J.," prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated November 14, 2016.
- Drainage Calculations entitled "Drainage Calculations, 460 North Avenue, Lot 10, Block 3752, Borough of Fort Lee," prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated September 1, 2017.
- Borough of Fort Lee Application for Development, prepared by Marc D. Macri, Esq., dated September 20, 2017.
- Authorization & Certification Statement (signed), dated September 20, 2017.
- Borough of Fort Lee Application Checklist, prepared by Marc D. Macri, Esq., dated September 20, 2017.
- Borough of Fort Lee Environmental Questionnaire.



- Site photographs.
- Cover Letter prepared by Marc. D. Macri, Esq., of Law Offices, Marc D. Macri, P.C., dated September 27, 2017.

1. Project & Property Description

The subject property is located on Block 3752, Lot 10 as per the Borough of Fort Lee Tax Map, and is commonly known as 460 North Avenue. The subject property consists of a corner lot located at the intersection of North Avenue and Eleventh Street. The property in question is located within the R-3 Residential Zone and consists of a one and one-half (1 ½) story residential dwelling with an associated storage shed, concrete driveway, slate and concrete walkways, paver patio, sections of concrete retaining walls, and chain-link fencing.

The Applicant proposes to remove all residential buildings and associated lot improvements and to subdivide Lot 10 into two (2) separate parcels, proposed as Lots 10.01 and 10.02. This review letter pertains only to Block 372, Lot 10.01, which is proposed as 1547 Eleventh Street. The Applicant proposes to construct a three (3) story, two (2) family residential dwelling within proposed Lot 10.01 with associated paver driveways, concrete walkways, entrance stairways and rear yard decks. Additional site improvements consist of the construction of keystone retaining walls located within the front, side, and rear portions of the property, utilities, landscaping improvements, and a stormwater management system.

2. General Comments

- 2.1 Neglia Engineering Associates (NEA) recommends that the comments and their required revisions be considered by the Borough of Fort Lee Zoning Board of Adjustment as Conditions of Approval should the Board act favorably in this matter unless indicated otherwise. We recommend that comments requesting testimony be addressed during the Applicant's presentation to the Board.
- 2.2 Neglia Engineering Associates defers to the Board Planner with respect to proposed building height, setbacks, bulk variances, waivers and other elements specifically requiring planning review as it relates to the Borough of Fort Lee Ordinances.

3. Engineering Comments

- 3.1 The Applicant's professionals shall provide testimony in support of the requested variances.
- 3.2 The Applicant proposes a keystone retaining wall located within the rear portion of the subject property with a maximum wall height of 4.40 feet (4'-5"). The Applicant shall note that walls which exceed three (3) feet in height require wall structural calculations signed and sealed by a New Jersey licensed professional engineer. As such, the Applicant shall submit the required wall structural calculations for review.
- 3.3 Upon completion of construction, if granted approval, the Applicant shall provide a wall stability certification signed and sealed by a New Jersey licensed Professional Engineer.
- 3.4 The Applicant shall provide details of the fall protection for the proposed perimeter walls.

- 3.5 The site contains an existing retaining wall with chain-link fence located along the northwestern property boundary, which is to remain. NEA recommends that the existing fence be replaced with new decorative style fencing with privacy screening. Furthermore, the Applicant shall provide wall stability calculations, signed and sealed by a New Jersey licensed Professional Engineer, to ensure that the proposed development will not adversely impact the structural integrity of said wall. Notation indicating the same is provided within the Site Plan Set.
- 3.6 The Applicant proposes to reconstruct all sidewalk and curb within the right-of-way along the property frontage. The Applicant shall ensure that the existing curb ramp located at the intersection of Eleventh Street and North Avenue is reconstructed in accordance with the current ADA Standards for Accessible Design. Associated curb ramp construction details, inclusive of a detectable warning surface detail, shall be provided on the Site Plan Set. In addition, a concrete sidewalk construction detail shall be provided.
- 3.7 The Applicant shall provide site triangles on the Site Plan Set at the proposed driveways which illustrate clear sightlines.
- 3.8 The Applicant proposes masonry steps located within the subject property to provide a safe means of travel between the front and rear yards, which includes a change in elevation in excess of 17 feet. Construction details for said masonry steps shall be included within the Site Plan Set. The steps shall contain associated safety railings.
- 3.9 The Applicant proposes masonry steps which traverse both proposed Lots 10.01 and 10.02. Testimony addressing maintenance responsibilities and easements for the steps shall be provided.
- 3.10 The provided concrete vertical curb construction detail shall be amended to include a pavement cross-section to illustrate the pavement repair strip area.
- 3.11 The Applicant shall dimension the width of proposed sidewalk replacement along the property frontage within the Borough of Fort Lee right-of-way.
- 3.12 The proposed A/C units shall be situated on reinforced concrete pads. A reinforced concrete pad construction detail shall be provided within the Site Plan Set.
- 3.13 The Applicant shall ensure that all construction vehicles are operated in such a way that will not deposit soil in any right-of-way or within any other private property. Additionally, if any soil or sediment is deposited as indicated above, the contractor shall be responsible to immediately rectify the situation. Notation indicating the same shall be provided on the plan.
- 3.14 The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Borough of Fort Lee and NEA prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area.
- 3.15 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.

4. Grading, Drainage and Utility Comments

- 4.1 As noted above, the proposed curb ramp reconstruction at the intersection of Eleventh Street and North Avenue shall be in accordance with the current ADA Standards for Accessible Design. Additional spot grades and grading information shall be provided at the proposed ADA compliant curb ramp location to confirm compliance with the above referenced design standards.
- 4.2 The Applicant shall provide a survey that overlaps approximately ten (10) feet onto adjacent properties to evaluate potential drainage impacts on the surrounding properties.
- 4.3 The Applicant shall provide additional spot elevations at the proposed building corners.
- 4.4 The Applicant shall provide a trench drain construction detail.
- 4.5 The proposed site improvements do not classify the project as a "Major Development" as defined under the Stormwater Management Adopted New Rule: N.J.A.C. 7:8 by disturbing less than an acre of land, and by not increasing the property's impervious coverage by more than a quarter acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates. Under pre-construction conditions, the site is 37.42% impervious (inclusive of the entire existing Block 3752, Lot 10) and it appears that the site drains to the Borough of Fort Lee municipal conveyance system via uncontrolled sheet flow. Under proposed conditions, the impervious coverage within the entire site (Block 3752, proposed Lots 10.01 and 10.02) will be increased to 64.91% (a net increase of 3,117 square feet). Stormwater runoff generated by the proposed dwelling roof area within Block 3752, proposed Lot 10.01) will drain to four (4) proposed retention systems (Cultec Stormwater Chamber System) located in the front and rear of the property via PVC roof leader piping and an interconnected conveyance system within the site (i.e. a trench drain within the proposed driveway). Based on the submitted Drainage Calculations, the Applicant has provided sufficient capacity within the proposed retention systems to ensure that post construction runoff rates do not exceed existing runoff rates. NEA takes no exception to the drainage design methodology for Block 3752, proposed Lot 10.01.
- 4.6 The Applicant shall provide maintenance plan for the proposed stormwater management system on the Site Plan. Said maintenance plan shall comply with the guidelines established within the New Jersey Stormwater Best Management Practices (BMP) Manual. The plan shall include an enforcement mechanism.
- 4.7 The Applicant shall provide the rim elevations for the proposed retention system inspection ports.
- 4.8 The Applicant shall identify the location of the drains associated with the proposed retaining walls and their discharge points. No pipes shall discharge to private property or the public right-of-way.
- 4.9 The Applicant shall provide drainage to intercept the runoff from the proposed stairways, between the buildings, prior conveying to the rear, adjacent properties.
- 4.10 The site appears to be located in a Combined Sewerage System tributary area. Recent regulations require that the Owners of a Combined Sewerage System (the municipality) must



control excessive infiltration and inflow discharges into their Combined Sewerage System. As part of this requirement, stormwater runoff volume generated from a proposed development in excess of pre-development runoff volume shall be addressed and resolved prior to the commencement of construction activities. In the event that the site's drainage design exceeds predevelopment runoff, an alternate conforming stormwater system plan is required. The Applicant has proposed a recharger infiltration system to mitigate the increase in impervious area on-site. Seepage pits can be an effective stormwater management system if the on-site soil conditions conform to current NJDEP BMP standards for infiltration systems and the system is not negatively impacted by the elevation of rock, groundwater and proximity of adjacent properties.

A percolation/permeability test shall be performed in the vicinity of the proposed infiltration system. The Applicant shall also locate the seasonal high water table. NEA shall be notified a minimum forty-eight (48) hours in advance of this testing so that a representative of our office may be present for this testing. In the event that the tests indicate constraining soil conditions, an alternate design (i.e. detention system) shall be provided. The engineer-of-record, or a representative thereof, shall be present during percolation/permeability testing. In addition, the engineer-of-record shall submit a signed and sealed certification regarding the results of said testing.

- 4.11 The Applicant shall ensure that all stormwater runoff is directed away from the proposed building and is not directed towards adjacent properties. The Applicant is responsible for any negative impacts to adjacent properties due to on-site improvements. Should a negative impact be identified upon completion of the project, the impact shall be addressed immediately. A note on the plan indicating the same shall be provided.
- 4.12 The Applicant shall provide invert and rim elevations for the proposed sanitary cleanouts.
- 4.13 The Applicant proposes a five (5) foot wide sanitary sewer easement traversing Lot 10.01. Said easement encompasses a proposed sanitary sewer pipe located within Block 3752, proposed Lot 10.02 which directs sanitary waste from the dwellings located within both proposed Lots 10.01 and 10.02 to the existing sanitary main within North Avenue. The proposed easement shall be a minimum of ten (10) feet in width or approved by the Borough of Fort Lee DPW for the proposed width. The Applicant shall amend the proposed easement accordingly and provide a metes and bounds description for the proposed easement.
- 4.14 The Applicant shall identify the location of proposed electric, telephone and fiber-optic utility lines on the Site Plan Set. Said utilities shall be installed underground. Notation indicating the same shall be provided on the Site Plan Set.

5. Subdivision Comments

- 5.1 As per Chapter §365-3 of the Borough of Fort Lee Code, the proposed subdivision is characterized as a Minor Subdivision. The application has been prepared and reviewed as such.
- 5.2 Based upon the reviewed documents, NEA has determined that all proposed lot enclosures and areas are acceptable.



- 5.3 The applicant shall revise the Subdivision Plan to include the corner marker waiver statement in accordance with N.J.A.C. §13:40-5.1(d).
 - 5.4 The subdivision plan shall be updated to indicate the basis of bearing on the north arrow.
 - 5.5 The Applicant has not provided any deeds or easements descriptions for review. The Applicant shall submit the same for review.
 - 5.6 In accordance with the subdivision checklist provided within the Borough of Fort Lee Code, the Applicant shall provide the a current survey of the premises showing the horizontal and vertical datum, as well as the establishment of one (1) vertical benchmark.
 - 5.7 The Applicant shall provide testimony confirming if the proposed subdivision will be perfected by deed or map. Should the Applicant perfect the subdivision by map, the plat shall satisfy the New Jersey Title Recordation Law requirements.
- 6. Landscaping and Lighting Comments**
- 6.1 The Applicant proposes porch lights at the proposed dwelling unit entrances, decks and garages. The Applicant shall illustrate iso-contours and a proposed point-to-point analysis for the proposed lighting. Construction details for the proposed lighting fixtures shall be provided within the Site Plan Set. Testimony shall be provided as it relates to compliance with applicable section of the Borough of Fort Lee Code.
 - 6.2 NEA recommends that the Applicant install an irrigation system to ensure that all proposed landscaping plant materials thrive.
 - 6.3 NEA recommends that the Applicant install additional annuals along the northeastern property boundary. In addition, NEA recommends that the Applicant install low evergreens and flowering shrubs in conjunction with the recommended annuals.
 - 6.4 The Applicant proposes a Red Maple tree located within the front planting bed. Said tree is too large and not appropriate for said location. NEA recommends that that a narrow, upright variety tree, such as a Bowhall Red Maple, Japanese Lilac Tree, or approved equal, be installed in lieu of the proposed tree.
 - 6.5 The proposed Red Maple tree is located directly along the proposed property boundary between Block 3752, proposed Lot 10.01 and 10.02. NEA recommends that the Applicant relocate said tree such that it is located within either Lot 10.01 or 10.02 to establish a means of ownership and proper maintenance.
 - 6.6 The Applicant proposes a Japanese Tree Lilac in the rear yard that will conflict with the proposed retention system. Said tree shall be removed or relocated such that said conflict is addressed.
 - 6.7 The proposed Emerald Green Arborvitae shrubs proposed for the rear yard along the top portion of the proposed retaining wall will hide the proposed Azalea shrubs to be installed along the lower portion of the wall. Under the proposed conditions, the Azalea shrubs will be hidden from view. NEA recommends that Azalea shrubs be relocated to along the top portion of the wall and that the proposed Emerald Green Arborvitae be installed along the lower portion of the wall.



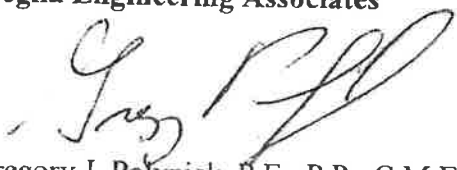
- 6.8 The Applicant shall make clear within the Site Plan Set the limits of proposed lawn areas and plant beds.

7. **General Comments**

- 7.1 Applicant shall comply with all approvals required by outside agencies or municipal departments, including but not limited to Bergen Soil Conservation District, BCUA, NJDOT, Borough of Fort Lee Police Department, Fire Department, Emergency Services and Department of Public Works and other applicable utility providers. It is the Applicant's responsibility to determine what outside agency permits or municipal approvals are required. Copies of said approvals shall be provided upon receipt.
- 7.2 Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 7.3 The above comments are based on a review of materials submitted to date. NEA reserves the right to provide new or updated comments as additional information becomes available.
- 7.4 We defer all comments regarding application completeness, variances and waivers to the Board Planner.

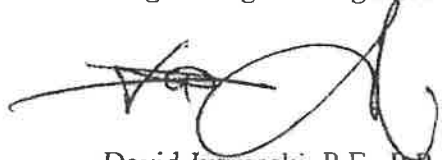
We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates



Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M.
For the Zoning Board Engineer
Borough of Fort Lee

Very truly yours,
Neglia Engineering Associates



David Juzmeski, P.E., P.P.
For the Zoning Board Engineer
Borough of Fort Lee

cc: Joseph Mariniello, Sr., Esq. – Board Attorney (*via: email*)
Michael Jovishoff, P.P. – Board Planner (*via: e-mail*)
Brian Ribarro - Zoning Office (*via: e-mail*)
Ed Mignone - Borough Engineer (*via: e-mail*)
Ray Reduce Development, Inc. – Applicant (*via: regular mail*)
Marc D. Macri, Esq. – Applicant's Attorney (*via: regular mail*)
Vassilios Cocoros, R.A. – Applicant's Architect (*via: regular mail*)
Mark S. Martins, P.E., P.L.S. – Applicant's Engineer (*via: regular mail*)

**BOROUGH OF FORT LEE
ZONING BOARD OF ADJUSTMENT**

**MEMORIALIZATION RESOLUTION AS
TO APPLICATION NO. ZBA 43-17A**

In the Matter of the Application of
Ray Reduce Development Corp.
Relief to Block 3752, Lot 10.02
460 North Avenue
Application No. ZBA 43-17A

WHEREAS, the Applicant is seeking variance relief and preliminary and final site plan approval to demolish an existing one story one family brick dwelling and construct a two-family dwelling; and

WHEREAS, the property is located within the R-3 One and Two Family Residential District and the proposed two-family dwelling is permitted in the R-3 zone; and

WHEREAS, the matter came on before the Board on December 12, 2017 and the Board heard the application for subdivision and proposed two-two family dwellings on each lot simultaneously but voting individually for each application; and

WHEREAS, the Applicant presented the testimony of:

Mark Martins - Engineer
Vassilios Cocoros – Architect
David Spatz - Planner

and

WHEREAS, the Applicant presented the following documents in evidence:

Exhibit A-1 - Second sheet, grading plan colorized;

Exhibit A-2 - Photo Board of Site and Surrounding Area; and

WHEREAS, members of the public were afforded the opportunity to question the Applicant's witnesses and to express their opinions and Joann McRae, 480 North Avenue appeared and questioned the storm water management system; and

WHEREAS, the Board is in receipt of two letter reports from its Planner, Philips Preiss Grygiel, LLC dated October 5 and December 7, 2017; letter from the Fire Sub-Code Official dated November 13, 2017; and letter from Neglia Engineering dated December 7, 2017; and

WHEREAS, the property is located in the center of the Borough within a solid one and two family residential area. The area consists primarily of older homes with Westgate and Mediterranean Towers condominium within four blocks to the west. All properties within the area are generally similar in size and configuration of the subject property; and

WHEREAS, the use on proposed Lots 10.02 is in compliance with the use requirements of the zone but will require "d(4) variance for FAR and a "d(6)" variance for building height in excess of 10% of permitted; and

WHEREAS, a drainage system is proposed where none currently exists; and

WHEREAS, the proposed two-family dwelling is permitted in the R-3 zone. However, the proposed dwelling will require a "d(4)" variance for floor area ratio (*FAR*) in excess of permitted, and a "d(6)" variance for building height in excess of 10% of permitted. R-3 zone standards compared to the application are shown on the following table:

<i>R-3 One and Two Family Residential District (Two-Family Standards)</i>	REQUIRED	PROPOSED
Minimum lot area	6,000 sf.	5,600 sf. (v)
Minimum lot area per unit	3,000 sf.	2,800 sf. (v)

Minimum lot width	60 ft.	56 ft. (v) ¹
Minimum lot depth	100 ft.	100 ft.
Maximum lot coverage	40%	44.8% (v) ²
Minimum front yard	20 ft.	±18 ft. (v) ³
Minimum rear yard – 25% of lot depth	25 ft.	17 ft.(v) ⁴
Minimum side yard	6.5 ft.	3.3 ft. (v) ⁵
Minimum side yard-both	14.5 ft.	6.6 ft. (v)
Maximum height first floor to grade plane	3 ft.	15.59 ft. (v)
Maximum horizontal eave height	21 ft.	33.26 ft. (v)
Maximum building height (feet/stories)	28/2½	36.80/3 ⁶ “d(6)” variance
Maximum floor area ratio (FAR)	0.75	1.13 ⁷ “d(4)” variance
Minimum garage setback	37 ft.	20 ft. (v) ⁸
Minimum parking spaces (ordinance)	3 ⁹	8
Minimum parking spaces (RSIS)	4 ¹⁰	3.5 (de) ¹¹

(v) denotes variance relief required.

(de) de minimis exception to the RSIS.

Notes

¹ Measured at the front yard setback line.

² Section 410-7 of the Borough ordinance defines lot coverage as “[t]hat portion of one or more than one lot which is improved with principal buildings and structures on the ground surface.” Our review of the plans indicates the total square footage of the principal buildings, plus the covered porches and attached stairs, is ±2,508.5 square feet or ±44.8% of the lot area.

³ Front yard setback is measured to the bay windows.

⁴ The minimum rear yard requirement is 25% of the property depth, to a maximum of 40 feet. The rear yard setback is measured to the decks.

⁵ The side yard setbacks are measured to the covered porches and stairs.

⁶ Section 410-7 of the Borough ordinance defines the first story as “[t]he lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.” Although a sub-basement is proposed, the lowest level of the dwelling is considered the “basement,” which is *less than 12 inches below* the average contact ground level, and as such is considered the “first floor” of the dwelling. Thus, the proposed dwelling is three stories in height.

⁷ The definition of “Gross Floor Area,” under ordinance §410-7, states “...gross floor area shall include all floor areas...including habitable basements, cellars or attics...” It further defines “habitable” areas as having direct walk-in access or a minimum ceiling height of seven feet over an area of at least 70 square feet. As such, the proposed dwelling’s basement is “habitable” and is included in the FAR calculations, and our review of the plans indicates an effective FAR of ±1.13.

⁸ Applies only to garage doors facing the street on *non-corner* lots.

⁹ Ordinance §410-44 states the minimum off-street parking requirement for two-family dwellings is "...two off-street parking spaces for each dwelling unit in a one-family dwelling and 1 1/2 off-street parking spaces for one dwelling unit in a two-family dwelling."

¹⁰ The RSIS requires 2.0 parking spaces for a two-family dwelling with three bedrooms.

¹¹ The proposed garage can accommodate two cars. The RSIS, in §5.21-4.14(d)(2) states that "[a] two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination." The proposed driveway do not comply with the RSIS. As such, a de minimis exception will be required to the RSIS

Additional Variances

The applicant requires additional relief from the following sections of the Borough ordinance:

Section 410-27D states that "[n]o rear yard shall be filled in excess of two feet above the existing grade prior to construction." The applicant is proposing up to ±6 feet of fill in portions of the rear yard. As such, a variance will be required.

Section 410-44A indicates no parking may be provided in the front yard of a one or two family dwelling except for a single driveway not exceeding 16 feet in width. The proposed dwelling includes two driveways with widths of 18.16 feet. As such, variance relief is required for the number and widths of the driveways.

Section 410-27C states that "[a]ll roofs shall have a minimum pitch of four inches vertical distance for each 12 inches of horizontal distance." The applicant is proposing a roof pitch that is less than the minimum pitch required. As such a variance will be required.

and

WHEREAS, the Applicant was represented by Marc Macri, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Fort Lee that the following findings of fact and conclusions of law are made by the Board:

(1) That all of the Whereas Recitals set forth above are incorporated, as if set forth at length herein, as part of the Board's findings.

(2) That the application, plans and documents submitted herewith to the Board are made a part of this record.

(3) The Board finds that the additional space created by the FAR variance does not increase the density of the property but is normal living accessory space found in the basement.

(4) The Board finds that the site can adequately support the increased FAR. The Borough has reviewed the plans and finds the rooms creating the necessity for the "d(4)" variance are not related to the density but rather normal living accessory space. In addition the Board finds that air light and open space is preserved

(5) The Board finds specifically that the purposes of the Master Plan and Zoning Ordinance is advanced by this application in that it is creating new housing stock and advances the continuation of the residential uses in the district.

(6) The Board also finds the project satisfies the Master Plan guidelines to maintain as much as possible a residential nature of a municipality while upgrading the Borough's residential housing stock.

(7) The Board finds that all of the above characteristics satisfy the positive criteria and weigh heavily in favor of approval.

(8) The Board finds that the bulk variances are necessary because they advance the purposes of zoning and the benefit of deviating from the ordinance requirements outweigh any detriment.

(9) The Board finds that the bulk variances include benefits to the community as a whole for the reasons set forth in the paragraphs above and especially because it is creating a new residential building.

(10) The granting of these variances demonstrate that they can be granted without substantial detriment to the public good and without impairment to the intent and

purpose of the zone plan and ordinance of the Borough, especially in view of the Applicant accepting the conditions of approval below.

(11) The Board finds that the "d(4)" FAR variance should be granted as the lot can adequately support any problems associated with the increased FAR.

(12) The Board finds that the topography of this lot creates topographical hardship to maintain the height restrictions of the zone.

(13) The Board finds that the "d(6)" variance can be granted without having any negative affect on the surrounding properties or neighborhood as a whole.

NOW THEREFORE BASED ON THE FOREGOING FINDINGS AND CONCLUSIONS, BE IT RESOLVED by the Zoning Board of the Borough of Fort Lee that the Board grants the necessary variances including the "d(4)" for increased FAR and the "d(6)" for building height in excess of 10% of permitted in connection with the plans submitted to the Board for proposed Lot 10.02 subject to the following:

- (a) The Applicant shall be responsible for obtaining any and all other approvals from the County of Bergen or the State of New Jersey, or permits required by law, and shall comply with any requirements or conditions of such approvals and permits;
- (b) The Applicant must pay all fees and escrows due to the Borough of Fort Lee.
- (c) The variances are further subject to the time limitations and conditions set forth in Ordinance 261-21 of the Borough of Fort Lee.
- (d) This approval is subject to the Applicant agreeing to increase the width of the planting strip between the driveways to six (6) feet.

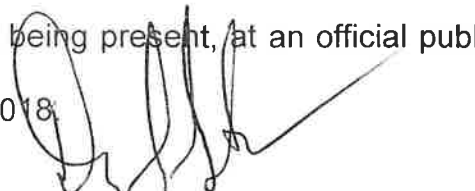
- (e) This approval is subject to the Applicant agreeing to install plantings in the side yard behind the right unit porch.
- (f) This approval is subject to the Applicant agreeing to submitting a description of the proposed sewer easement to the Board Engineer for his review and approval.
- (g) This approval is subject to the Applicant agreeing to install a complying fence along the right-side lot line, between the front of the dwelling and the rear lot line, and submit a detail of the fence to the Board Planner and Board Engineer for their review and approval.
- (h) This approval is subject to the Applicant agreeing to install a sprinkler system throughout the entire dwelling, per the requirements of the Borough fire official.
- (i) This approval is subject to the Applicant agreeing to comply with the comments and recommendations of the Neglia Engineering review letter dated December 7, 2017.
- (j) This approval is subject to the Applicant agreeing to submit the revised plans to the Board Planner and Board Engineer for their review and approval.
- (k) The Applicant shall comply in all respects with the recommendations, approvals and conditions issued and imposed by the Borough of Fort Lee Sign and Facade Committee, and absent approvals, full compliance, the Construction Code Official of the Borough of Fort Lee or other agency shall take all measures to enforce compliance.

- (l) If this property is located in the Historical District, the Applicant shall apply for and obtain a Certificate of Appropriateness by the Historic Preservation Commission before a permit is issued or before Applicant can commence work.

BE IT FURTHER RESOLVED that notice of this decision shall be published in the official newspaper of the Borough of Fort Lee.

BE IT FURTHER RESOLVED that the members of this Board of Adjustment who voted for said variances at its official public meeting held on the 12TH day of December, 2017 do hereby MEMORIALIZE AND CONFIRM the foregoing findings of fact, determinations and decisions set forth in this Resolution of Memorialization as the official action taken by this Board on said date, in accordance with the provisions of N.J.S.A. 40:55D-10(g)(2) of the New Jersey Municipal Land Use Law this 12th day of December, 2017.

I hereby certify that this Resolution of Memorialization was duly adopted by a majority vote of the members of the Fort Lee Zoning Board of Adjustment who voted in favor of said decision, a quorum of the membership being present, at an official public meeting of said Board held on the 9th day January, 2018.



D. SUGARMAN, Chairperson

Vote for the Approval of Variance Relief

Board Member	Motion	Second	Yes	No	Abstain	Absent
John Nitti			X			
Jeff Silver			X			
Howard Joh			X			
George Makroulakis	X		X			
Dennis Conway		X	X			
Harry Liapes			X			
Doug Sugarman			X			
Paul Yoon - 1 st alt.						X
Donald Starace - 2nd alt.						X

Vote for the Memorialization

Board Member	Motion	Second	Yes	No	Abstain	Absent
John Nitti						
Jeff Silver			✓			
Howard Joh	✓		✓			
George Makroulakis			✓			
Dennis Conway			✓			
Harry Liapes		✓	✓			
Doug Sugarman			✓			
Francis Yook - 1 st alt.						
Donald Starace - 2nd alt.						

December 7, 2017

Via: Email & Regular Mail

Zoning Board of Adjustment
Borough of Fort Lee
309 Main Street, Room 200
Fort Lee, NJ 07024

Attn.: Ms. Christen Trentacosti, Board Secretary

Re: **Engineering and Subdivision Review**
1543 Eleventh Street; 460 North Avenue
Block 3752, Proposed Lot 10.02 (Existing Lot 10)
Borough of Fort Lee, Bergen County, New Jersey
NEA No.: FTLESPL17.033 (ZBA Appl. #43-17A)

Honorable Board Members:

Neglia Engineering Associates ("NEA") has performed an engineering and subdivision review of the application and plans for the above referenced development. Specifically, we have reviewed the following documents:

- Signed and sealed Site Plan Set consisting of four (4) sheets entitled, "460 North Avenue, Lot 10, Block 3752, Situated in the Borough of Fort Lee, Bergen County, N.J.," prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated September 1, 2017.
- Signed and sealed Architectural Plans Set consisting of two (2) sheets entitled, "Project: Proposed New: Two Family Dwelling, Located at: 1543 Eleventh Street, Fort Lee, New Jersey, Block: 3752, Lots: 10.02, R3 Zone," prepared by Vassilios Cocoros, R.A. of V.C.A. Group, LLC., dated July 29, 2017, last revised August 17, 2017.
- Property Survey consisting of one (1) sheet entitled, "Boundary & Topographic Survey, 460 North Avenue, Lot 10, Block 3752, Borough of Fort Lee, Bergen County, N.J.," prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated November 14, 2016.
- Drainage Calculations entitled "Drainage Calculations, 460 North Avenue, Lot 10, Block 3752, Borough of Fort Lee," prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated September 1, 2017.
- Borough of Fort Lee Application for Development, prepared by Marc D. Macri, Esq., dated September 20, 2017.
- Authorization & Certification Statement (signed), dated September 20, 2017.
- Borough of Fort Lee Application Checklist, prepared by Marc D. Macri, Esq., dated September 20, 2017.
- Borough of Fort Lee Environmental Questionnaire.
- Site photographs.



- Cover Letter prepared by Marc. D. Macri, Esq., of Law Offices, Marc D. Macri, P.C., dated September 27, 2017.

1. Project & Property Description

The subject property is located on Block 3752, Lot 10 as per the Borough of Fort Lee Tax Map, and is commonly known as 460 North Avenue. The subject property consists of a corner lot located at the intersection of North Avenue and Eleventh Street. The property in question is located within the R-3 Residential Zone and consists of a one and one-half (1 ½) story residential dwelling with an associated storage shed, a concrete driveway, slate and concrete walkways, paver patio, sections of concrete retaining walls, and chain-link fencing.

The Applicant proposes to remove all residential buildings and associated lot improvements and subdivide Lot 10 into two (2) separate parcels, proposed Lots 10.01 and 10.02. This review letter pertains only to Block 372, Lot 10.02, which is proposed as 1543 Eleventh Street. The Applicant proposes to construct a three (3) story, two (2) family residential dwelling within proposed Lot 10.02 with associated paver driveways, concrete walkways, entrance stairways and rear yard decks. Additional site improvements consist of the construction of keystone retaining walls located within the front, side, and rear portions of the property, landscaping improvements, utilities, and a stormwater management system.

2. General Comments

- 2.1 Neglia Engineering Associates (NEA) recommends that the comments and their required revisions be considered by the Borough of Fort Lee Zoning Board of Adjustment as Conditions of Approval should the Board act favorably in this matter unless indicated otherwise. We recommend that comments requesting testimony be addressed during the Applicant's presentation to the Board.
- 2.2 Neglia Engineering Associates defers to the Board Planner with respect to proposed building height, setbacks, bulk variances, waivers and other elements specifically requiring planning review as it relates to the Borough of Fort Lee Ordinances.

3. Engineering Comments

- 3.1 The Applicant's professionals shall provide testimony in support of the requested variances.
- 3.2 The Applicant proposes a keystone retaining wall located within the rear portion of the subject property with a maximum wall height of 4.40 feet (4'-5"). The Applicant shall note that walls which exceed three (3) feet in height require wall structural calculations signed and sealed by a New Jersey licensed professional engineer. As such, the Applicant shall submit the required wall structural calculations for review.
- 3.3 Upon completion of construction, if granted approval, the Applicant shall provide a wall stability certification signed and sealed by a New Jersey licensed Professional Engineer.
- 3.4 The Applicant shall provide details of the fall protection for the proposed perimeter walls.
- 3.5 The site contains an existing retaining wall with chain-link fence located along the northwestern property boundary which is to remain. NEA recommends that the existing fence be replaced with new decorative style fencing with privacy screening. Furthermore, the Applicant shall provide wall stability calculations, signed and sealed by a New Jersey licensed engineer, to ensure that the proposed development will not adversely impact the structural integrity of said wall. Notation indicating the same is provided within the Site Plan Set.



- 3.6 The Applicant proposes masonry steps located within the subject property to provide a safe means of travel between the front and rear yards, which includes a change in elevation in excess of 17 feet. Construction details for said masonry steps shall be included within the Site Plan Set. The steps shall contain associated safety railings.
- 3.7 The Applicant proposes masonry steps which traverse both proposed Lots 10.01 and 10.02. Testimony addressing maintenance responsibilities and easements for the steps shall be provided.
- 3.8 The provided concrete vertical curb construction detail shall be amended to include a pavement cross-section to illustrate the pavement repair strip area.
- 3.9 The Applicant shall dimension the width of proposed sidewalk replacement along the property frontage within the Borough of Fort Lee right-of-way. A concrete sidewalk construction detail shall be provided within the Site Plan Set.
- 3.10 The proposed A/C units shall be situated on reinforced concrete pads. A reinforced concrete pad construction detail shall be provided within the Site Plan Set.
- 3.11 The Applicant shall ensure that all construction vehicles are operated in such a way that would not deposit soil in any right-of-way or within any other private property. Additionally, if any soil or sediment is deposited as indicated above, the contractor shall be responsible to immediately rectify the situation. Notation indicating the same shall be provided on the plan.
- 3.12 The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Borough of Fort Lee and NEA prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area.
- 3.13 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.

4. Grading, Drainage and Utility Comments

- 4.1 The Applicant shall provide a survey that overlaps approximately ten (10) feet onto adjacent properties to evaluate potential drainage impacts on the surrounding properties.
- 4.2 The Applicant shall provide additional spot elevations at the proposed building corners.
- 4.3 The Applicant shall provide a trench drain construction detail.
- 4.4 The proposed site improvements do not classify the project as a "Major Development" as defined under the Stormwater Management Adopted New Rule: N.J.A.C. 7:8 by disturbing less than an acre of land, and by not increasing the property's impervious coverage by more than a quarter acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates. Under pre-construction conditions, the site is 37.42% impervious (inclusive of the entire existing Block 3752, Lot 10) and it appears that the site drains to the Borough of Fort Lee municipal conveyance system via of uncontrolled sheet flow. Under proposed conditions, the impervious coverage within the entire site (Block 3752, proposed Lots 10.01 and 10.02) will be increased to 64.91% (a net increase of 3,117 square feet). Stormwater runoff generated by the proposed dwelling roof area within Block 3752, proposed Lot 10.02) will drain to four (4) proposed retention systems (Cultec Stormwater Chamber System) located in the front and rear of the property via PVC roof leader piping and an interconnected conveyance system within the site (i.e.



a trench drain within the proposed driveway). Based on the submitted Drainage Calculations, the Applicant has provided sufficient capacity within the proposed retention systems to ensure that post construction run-off rates do not exceed existing runoff rates. NEA takes no exception to the drainage design methodology for Block 3752, proposed Lot 10.02.

- 4.5 The Applicant shall provide maintenance plan for the proposed stormwater management system on the Site Plan. Said maintenance plan shall comply with the guidelines established within the New Jersey Stormwater Best Management Practices (BMP) Manual. The plan shall include an enforcement mechanism.
- 4.6 The Applicant shall identify the location of the drains associated with the proposed retaining walls and their discharge points. No pipes shall discharge to private property or the public right-of-way.
- 4.7 The Applicant shall provide drainage to intercept the runoff from the proposed stairways, between the buildings, prior conveying to the rear, adjacent properties.
- 4.8 The Applicant shall provide the rim elevations for the proposed retention system inspection ports.
- 4.9 The site appears to be located in a Combined Sewerage System tributary area. Recent regulations require that the Owners of a Combined Sewerage System (the municipality) must control excessive infiltration and inflow discharges into their Combined Sewerage System. As part of this requirement, stormwater runoff volume generated from a proposed development in excess of pre-development runoff volume shall be addressed and resolved prior to the commencement of construction activities. In the event that the site's drainage design exceeds predevelopment runoff, an alternate conforming stormwater system plan is required. The Applicant has proposed a recharger infiltration system to mitigate the increase in impervious area on-site. Seepage pits can be an effective stormwater management system if the on-site soil conditions conform to current NJDEP BMP standards for infiltration systems and the system is not negatively impacted by the elevation of rock, groundwater and proximity of adjacent properties.

A percolation/permeability test shall be performed in the vicinity of the proposed infiltration system. The Applicant shall also locate the seasonal high water table. NEA shall be notified a minimum forty-eight (48) hours in advance of this testing so that a representative of our office may be present for this testing. In the event that the tests indicate constraining soil conditions, an alternate design (i.e. detention system) shall be provided. The engineer-of-record, or a representative thereof, shall be present during percolation/permeability testing. In addition, the engineer-of-record shall submit a signed and sealed certification regarding the results of said testing.
- 4.10 The Applicant shall ensure that all stormwater runoff is directed away from the proposed building and is not directed towards adjacent properties. The Applicant is responsible for any negative impacts to adjacent properties due to on-site improvements. Should a negative impact be identified upon completion of the project, the impact shall be addressed immediately. A note on the plan indicating the same shall be provided.
- 4.11 The Applicant shall provide invert and rim elevations for the proposed sanitary cleanouts.
- 4.12 The Applicant shall identify the location of proposed electric, telephone and fiber-optic utility lines on the Site Plan Set. Said utilities shall be installed underground. Notation indicating the same shall be provided on the Site Plan Set.



5. Subdivision Comments

- 5.1 As per Chapter §365-3 of the Borough of Fort Lee Code, the proposed subdivision is characterized as a Minor Subdivision. The application has been prepared and reviewed as such.
- 5.2 Based upon the reviewed documents, NEA has determined that all proposed lot enclosures and areas are acceptable.
- 5.3 The applicant shall revise the Subdivision Plan to include the corner marker waiver statement in accordance with N.J.A.C. §13:40-5.1(d).
- 5.4 The subdivision plan shall be updated to indicate the basis of bearing on the north arrow.
- 5.5 The Applicant has not provided any deeds or easements descriptions for review. The Applicant shall submit the same for review.
- 5.6 In accordance with the subdivision checklist provided within the Borough of Fort Lee Code, the Applicant shall provide the a current survey of the premises showing the horizontal and vertical datum, as well as the establishment of one (1) vertical benchmark.
- 5.7 The Applicant shall provide testimony confirming if the proposed subdivision will be perfected by deed or map. Should the Applicant perfect the subdivision by map, the plat shall satisfy the New Jersey Title Recordation Law requirements.

6. Landscaping and Lighting Comments

- 6.1 The Applicant proposes porch lights at the proposed dwelling unit entrances, decks and garages. The Applicant shall illustrate iso-contours and a proposed point-to-point analysis for the proposed lighting. Construction details for the proposed lighting fixtures shall be provided within the Site Plan Set. Testimony shall be provided as it relates to compliance with applicable section of the Borough of Fort Lee Code.
- 6.2 NEA recommends that the Applicant install an irrigation system to ensure that all proposed landscaping plant materials thrive.
- 6.3 The Applicant proposes a Red Maple tree located within the front planting bed. Said tree is too large and not appropriate for said location. NEA recommends that that a narrow, upright variety tree, such as a Bowhall Red Maple, Japanese Lilac Tree, or approved equal, be installed in lieu of the proposed tree.
- 6.4 The proposed Red Maple tree is located directly along the proposed property boundary between Block 3752, proposed Lot 10.01 and 10.02. NEA recommends that the Applicant relocate said tree such that it is located within either Lot 10.01 or 10.02 to establish a means of ownership and proper maintenance.
- 6.5 The Applicant proposes a Japanese Tree Lilac in the rear yard that will conflict with the proposed retention system. Said tree shall be removed or relocated such that said conflict is addressed.
- 6.6 The proposed Emerald Green Arborvitae shrubs proposed for the rear yard along the top portion of the proposed retaining wall will hide the proposed Azalea shrubs to be installed along the lower portion of the wall. Under the proposed conditions, the Azalea shrubs will be hidden from view. NEA recommends that Azalea shrubs be relocated to along the top portion of the wall and that the proposed Emerald Green Arborvitae be installed along the lower portion of the wall.



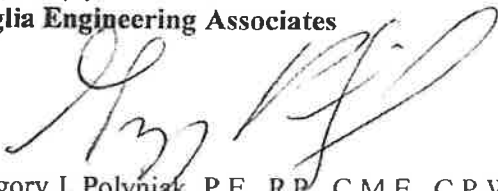
- 6.7 The Applicant shall make clear within the Site Plan Set the limits of proposed lawn areas and plant beds.

7. General Comments

- 7.1 Applicant shall comply with all approvals required by outside agencies or municipal departments, including but not limited to Bergen Soil Conservation District, BCUA, NJDOT, Borough of Fort Lee Police Department, Fire Department, Emergency Services and Department of Public Works and other applicable utility providers. It is the Applicant's responsibility to determine what outside agency permits or municipal approvals are required. Copies of said approvals shall be provided upon receipt.
- 7.2 Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 7.3 The above comments are based on a review of materials submitted to date. NEA reserves the right to provide new or updated comments as additional information becomes available.
- 7.4 We defer all comments regarding application completeness, variances and waivers to the Board Planner.

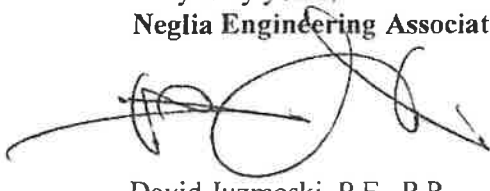
We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates



Gregory J. Polyniak, P.E., R.P., C.M.E., C.P.W.M.
For the Zoning Board Engineer
Borough of Fort Lee

Very truly yours,
Neglia Engineering Associates



David Juzmeski, P.E., P.P.
For the Zoning Board Engineer
Borough of Fort Lee

cc: Joseph Mariniello, Sr., Esq. - Board Attorney (*via: email*)
Michael Jovishoff, P.P. - Board Planner (*via: e-mail*)
Brian Ribarro - Zoning Office (*via: e-mail*)
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Ray Reduce Development, Inc. - Applicant (*via: regular mail*)
Marc D. Macri, Esq. - Applicant's Attorney (*via: regular mail*)
Vassilios Cocoros, R.A. - Applicant's Architect (*via: regular mail*)
Mark S. Martins, P.E., P.L.S. - Applicant's Engineer (*via: regular mail*)