

**FORT LEE PLANNING BOARD**  
**May 18, 2015**

PRESENT: A. Pohan, N. Froshner, L. LaMastro, S. Sakin, B. Suh, J. Cooney,  
C. Nicholas, C. Keng, R. Ferris, H. Greenberg.

ABSENT: M. Marshall.

PRESENT: Louis I. Karp, Esq., Board Attorney; B. Klein, Planning Board Secretary;  
M. Jovishoff of Phillips, Preiss, Grygiel Associates; M. Tiberi of  
Boswell Engineering.

Chairman Greenberg called the meeting to order at 7:35 p.m. and advised that at this evening's meeting Mr. Keng will be sitting in for Mr. Marshall.

**NOTICE OF MEETING**

Chairman Greenberg stated: Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: All members of this body have been advised in writing at least 48 hours prior to this meeting of the time, place and proposed agenda of this meeting. A written notice of the time, place, and proposed agenda was posted on the bulletin board of the Municipal Building, 309 Main Street, Fort Lee, New Jersey. On the same date, a copy of said written notice was mailed to the Record, Jersey Journal, Time Warner Cable and Fort Lee Online. A copy was filed with the Borough Clerk, and on the same date, copies were mailed to all persons who have requested copies of such notice and have prepaid the fee fixed for the year 2015.

**APPROVAL OF MINUTES**

A motion was made by Ms. Cooney, seconded by Mr. Nicholas, and passed on a vote of 7 to 0 by members Pohan, Forshner, LaMastro, Sakin, Suh, Cooney, and Nicholas to approve the minutes of the meeting of April 6, 2015. Chairman Greenberg and Mr. Keng abstained from the vote.

**DOCKET NO. 11-06**

**Whiteman Park Plaza  
1605 Lemoine Avenue  
Block 4251, Lot 1**

A motion was made by Mr. Nicholas, seconded by Ms. Cooney, and passed on a vote of 7 to 0 to approve the Memorialization for an extension of time for site plan approval as prepared by the board attorney.

**DOCKET NO. 3-15**                      **1616 BERGEN, LLC**  
**1616 Bergen Boulevard**  
**Block 3452, Lot 3.01**

Chairman Greenberg advised: This is for the acceptance of an application for review for preliminary and final major site plan approval for a Starbucks drive-thru, convenience store, and signage at 1616 Bergen Boulevard. Christos J. Diktas, Esq. is representing the applicant.

Mr. Diktas stated: There is one open item and that is the issue of searches. I have ordered the searches with the title company, and we should have them by the end of this week. The applicant and the owner are the same party.

Mr. Diktas went over the Application Checklist in Mr. Jovishoff's memorandum dated May 14, 2015.

A motion was made by Mr. LaMastro, seconded by Mr. Nicholas, and passed on a vote of 9 to 0 by members Pohan, Forshner, LaMastro, Sakin, Suh, Cooney, Nicholas, Keng and Greenberg to deem this application complete and to accept this application for a public hearing.

Mr. Diktas was requested to contact Ms. Barbara Klein to set a date for a public hearing for this application.

**DOCKET NO. 4-14**                      **PREMIER DEVELOPERS, LLC**  
**36 Virginia Avenue**  
**Block 1454, Lot 12**

Chairman Greenberg advised: This is for the acceptance of an application for review for a minor subdivision and two single-family dwellings at 36 Virginia Avenue. Saverio Cereste, Esq. is representing the applicant.

Mr. Cereste stated: This is an application for the subdivision of a property consisting of 13,500 square feet in an R-1A zone at 36 Virginia Avenue. We would like to subdivide this property into two lots. I have reviewed Mr. Jovishoff's



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Councilman Pohan stated: The information that arrived late is the engineering information – is that correct?

Ms. Tibera replied: Yes.

Councilman Pohan continued: Why can't we hear the testimony of those experts for whom we have the reports and carry the application with respect to the engineering to the next meeting?

Chairman Greenberg polled the board as to whether or not members would like to proceed this evening or not.

Those board members who, when polled, stated "yes" to go forward with the hearing at this evening's meeting were: A. Pohan, N. Forshner, B. Suh, J. Cooney, C. Keng. Those board members who, when polled, stated "no" that they wanted to carry the application to another meeting were: L. LaMastro, S. Sakin and C. Nicholas.

Ms. J. Pyune, applicant and owner of the property at 1095 Palisade Avenue, Fort Lee, New Jersey, was sworn in and stated: I acquired this property in November of 2014. I bought this residence because I want to live close to the city. I am a printer and I work at home. I moved all of my printing equipment from Hoboken to my property in Fort Lee. I work three days a week at a college. The construction for the renovation will probably take another month and a half. I will live at the property and will have a big studio in the back. I do a lot of consulting for national and international students for their college portfolios. Basically, I teach online. We are more of a research and development operation rather than a teaching operation. We teach online. Some students might receive individual teaching from me, but very few of my students need me to help them onsite. I deal with high school students. We prefer to teach online. We have teaching permits from college boards. Last year, we had five or six students who came onsite. We don't have students come five times a week. We have a maximum of six stations for a work session. We need only one teacher for a work session. Sometimes we have work sessions three times a week. When my students come to me from out of town or from out of the country, they do not stay with me. I do not know where they stay. I have an attached addition in the back. My house is very old, and it was very ugly. My house is a split-level house and the back was extended out from the floor level on grade. I created a 500 square foot room above the addition. I have two children. The rear addition is the work session area. I have a building permit for the renovation.

Mr. Cereste stated: The use is a permitted use.

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Mr. Nicholas stated: I was at the property. The renovation to the house was a major renovation. When I saw the house, I thought we put the cart before the horse with this. I would like to hear from the building official why this matter did not come before us before.

Mr. Cereste stated: Initially, we were before the Zoning Board of Adjustment. This matter was transferred to the Planning Board because it is a permitted use.

Mr. Jovishoff stated: When I first looked at this, I thought it was a business. Mr. Cereste convinced me that this is not a business, but it is a school. As a school, this is a permitted use.

Councilman Pohan stated: We have no definition of "school" in the ordinance. We are in a gray area here.

Mr. Cereste stated: The art work is not for resale. There is no gallery at the property. The applicant is a digital artist.

Ms. Pyune stated: I teach digital art online.

Councilman Pohan stated: There are several questions to be answered here. How is this use, with six work stations, going to impact the area? How many people will be parking at this site?

Chairman Greenberg commented: I think there is a very deep driveway on the property.

Mr. Nicholas stated: Palisade Avenue is an R-1 area with homes on the opposite side of the street that cost \$1 million dollars plus. I don't want to see a parking lot on that property. I don't want to see the front of that property paved over. I don't want to be sitting here spot zoning. I am not going to support a parking area there. There is a medical office next to this property to the north that is totally paved.

Chairman Greenberg stated: There are other commercial properties down the block. I would classify this application as a school.

Ms. Pyune stated: We have had the online operation for about 2-1/2 years. This house was an ugly house when I purchased it. Now it is a beautiful house.

Mr. Cereste stated: The workshop operation was not on-going.

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Ms. Pyune stated: I had two work stations and then I went to six work stations. Students come in and work on projects together.

Mr. LaMastro stated: I was at the site, and I am concerned about the back yard. There is no grass whatsoever in the back yard. The terrain in the back yard is rocky, and there are two sick trees. There is no landscaping proposed for either the back yard or the side yards.

Mr. Doug Sugarman, Chairman of the Fort Lee Zoning Board of Adjustment, responded to a question asked by Mr. LaMastro: This application was never heard by the Zoning Board of Adjustment. If a "D" variance is not needed, the application does not go before the zoning board. The zoning board did not even accept this matter for completion.

Councilman Pohan stated: We need to know with more clarity the following: What will the hours of operation be? What is the maximum number of students that will be present at any one time? How many days in a week will this operation take place?

Ms. Pyune answered Councilman Pohan's questions: The hours of operation will be 3:00 p.m. to 6:00 p.m. The days of operation will not include weekends. The maximum number of students will not exceed 6.

Ms. Pyune continued: I love teaching. If I get to see my students every once in a while, I am happy. I have a sign because people could not find my house. I would just like to have my small number of students and teach once in a while. I am not attempting to have a big business at this location.

Mr. Jovishoff advised: I did request a landscaping plan for the rear, but I did not receive one. Also, the issue is not the number of students coming to the building, it is the number of cars that will be parked on the property.

Ms. Pyune stated: I have an intern who comes to my house and who also teaches my students. During a work session, there is only one person teaching.

Chairman Greenberg advised: To clarify the issue, there will be six computer work stations and one teacher.

Mr. Cereste stated: Basically, there is one teacher during any work session.

Mr. Nicholas stated: I believe a facility with six computer work stations is a business.

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An architectural plan prepared by Mr. Taeik Kim with the latest revision date of 2-12-15 consisting of three pages was marked A-2 into evidence.

Mr. Taeik Kim, architect for the applicant, was sworn in, stated his qualifications, and advised: The total square footage in the rear is 1,000 square feet. The entry has been expanded slightly.

Mr. Forshner commented: I think we should be able to see where the computer work stations will be located.

Chairman Greenberg stated: The only thing I see on the plan are residential facilities. I, too, am wondering where the students will be and where the computer work stations will be.

Mr. Cereste stated: They will be located under the master bedroom and bathroom.

Mr. Kim stated: In the upper left corner of the plan you can see a door on the side, and that door is the second means of egress.

Chairman Greenberg stated: These plans need to be corrected to show whether or not there is a kitchen or a pantry. And, of course, the computer work stations need to be shown as well.

Mr. Cereste stated: We will provide revised plans and a landscaping plan.

Ms. Pyune stated: The right garage door will be eliminated and there will be a new entry there.

Mr. Forshner noted: The plans refer to this property as a residence, but it is a residence with a school.

Mr. Nicholas commented: Who buys a house in Fort Lee with a plan to eliminate a garage? You do not do that unless you are anticipating a full business.

Chairman Greenberg advised: This application is being carried to the meeting of June 22, 2015 at which time the owner, the engineer and the other experts for the applicant will return. The zoning officer will also be here at the next hearing.

Mr. Sakin stated: This board does not have the obligation to "fix" this application. This application should have come before us with the information that is necessary and required. We have just spent two hours with this matter and we still don't now what is going on.

Chairman Greenberg opened the meeting to the public, and the following came before the board, were sworn in and spoke:

1. Ms. N. Brusco, 1090 Cumbermeade Avenue, Fort Lee, New Jersey: I have lived behind this property for 35 years. This application requires 19 parking spaces and the applicant is only providing 4 parking spaces. We pay taxes for residential properties on this street, and it is not fair that the applicant has a business at that location. There is a sign on the property that reads, "Art Institute". I saw that inside the building there are about 30 tables and chairs and an easel.

Mr. Nicholas stated: There were a lot of trees on that property and they were cut down.

Ms. Pyune stated: I had a permit to cut those trees down.

1. Ms. Stephanie Kaslow, 1087 Cumbermeade Road, Fort Lee, New Jersey: I am speaking on behalf of Mrs. Brusco. Mrs. Brusco has seen many tables and chairs as well as an easel inferring that this will be a business. Mrs. Brusco's concern is that the entire back yard will be paved over, which she does not want, and that even if the back yard were to be paved, there would still not be enough parking. Her concern is there would be a paved back yard and cars that cannot park on the property will come onto Cumbermeade and park.

Chairman Greenberg stated: We will continue hearing this matter at our meeting of June 22, 2015.

**DOCKET NO. 2-15**

**SAPTHAGIRI, LLC  
2167 Route 4 East  
Block 5452, Lots 3.01 - 3.06 and 4**

Chairman Greenberg advised: This is an application for three wall signs and one monument sign at 2167 Route 4 east. Paul Kaufman, Esq. is representing the applicant.

Danielle Lamake, Esq., on behalf of Paul Kaufman, Esq., stated: This property has been before this board before. We are here tonight strictly for approval of the proposed signage. Two wall signs are permitted. We are proposing three wall

signs; one each on the east, north and south facades of the building. All three signs will be 2'8" high by 35'3" long.

The following were marked into evidence:

1. Architectural plans dated February 23, 2015 as Exhibits Nos. A-1 through A-6.
2. A colored rendering of the front elevation as Exhibit A-7.
3. An exterior I.D. as Exhibit A-8.

Chairman Greenberg noted that in an undated letter from the Sign and Façade Review Committee, the committee stated it will concur with the recommendations of the Fort Lee Planning Board with regard to the signage being proposed.

Mr. Neil Bhat, architectural expert for the applicant, was sworn in, stated his qualifications, and testified: My office prepared the plans for this application. This is a franchised hotel, and therefore, there are specific plans for signs. The letters will be black during the day and white during the night. The logo is proposed to have 8 circles, all of different colors. Both the logo and the letters will be 32" high. The monument sign will be at the entrance to the building and will have the same logo and the same letters in white. In addition to the three wall signs, there will be a monument sign that will be located at the south end of the property next to the hotel entrance driveway. The monument sign will be 12 feet high and will consist of a nine-foot high sign on a three-foot brick pedestal. The source for the illumination of the signs will be LED lights. The signs will be lit from dusk to dawn. There will be a solar switch so the lights will turn on when it gets dark and will then turn off when it gets light.

Ms. Lamake stated: The sign complies with the amended redevelopment plan.

Councilman Pohan stated: I believe the amended redevelopment plan referred to the layout of the buildings.

Mr. Nicholas stated: I don't think a 12' sign on Route 4 is that big. If you are driving on Route 4, you would want to be able to see that sign.

Mr. Bhat stated: There will be no sign facing Jones Road.

Ms. Lamake stated: Basically, we are only requesting a third wall sign as only two wall signs are permitted.

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Mr. Matthew Clark, planning expert for the applicant, was sworn in, stated his qualifications and testified: The height of the buildings and the height of the signs are just about the same height as that of Jones Road. On this site previously there were two hotels with each hotel having three wall signs for a total of six wall signs. The size of the signs proposed complies with the amended redevelopment plan. The county has given us final approval. The DEP has given us an extension of time until 2016. With regard to the DOT, we should have had their approval two weeks ago, but that approval has been held up due to a personnel matter within the DOT. We should have that approval from the DOT by the end of this week.

Chairman Greenberg opened the meeting to the public for questions of the applicant's experts, but no one from the public appeared before the board.

Chairman Greenberg opened the meeting to the public for comments regarding this application, but no one from the public appeared before the board.

It was moved by Mr. LaMastro, seconded by Mr. Forshner, and passed on a vote of 9 to 0 by members Pohan, Forshner, LaMastro, Sakin, Suh, Cooney, Nicholas, Keng and Greenberg to approve this application.

**ADJOURNMENT**

A motion was made by Mr. Nicholas, seconded by Ms. Cooney and passed without objection to adjourn this meeting at 9:45 p.m.

Respectively submitted,

Patricia A. Jordan  
Recording Secretary