

FORT LEE PLANNING BOARD
June 22, 2015

PRESENT: A. Pohan, N. Forshner, S. Sakin, B. Suh, J. Cooney, C. Nicholas,
M. Marshall, C. Keng, R. Ferris, H. Greenberg.

ABSENT: L. LaMastro.

PRESENT: G. C. Kienz, Esq., Board Attorney; B. Klein, 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 announced that at this evening's meeting Mr. Keng will be sitting in for Mr. LaMastro who is absent.

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 Councilman Pohan, seconded by Mr. Keng, and passed on a vote of 8 to 0 by members Pohan, Forshner, Sakin, Suh, Cooney, Nicholas, Keng and Greenberg to approve the minutes of the meeting of May 18, 2015. Mr. Marshall abstained from the vote.

DOCKET NO. 1-15

**JOOHYUN PYUNE
1095 Palisade Avenue
Block 853, Lot 3**

Chairman Greenberg announced that the public hearing for this application is being carried to the meeting of August 17, 2015 and that no further public notice is required.

DOCKET NO. 4-15 **PREMIER DEVELOPERS, LLC**
36 Virginia Avenue
Block 1454, Lot 12

Chairman Greenberg announced that the public hearing for this application is being carried to the meeting of July 13, 2015 and that no further public notice is required.

Lawrence Goldberg, Esq., appeared before the board and submitted a letter to the board.

Mr. Kienz stated: We can put this letter in the file for informational purposes. This letter can not be made a part of the record tonight. When the hearing for this application goes live, we can have someone read this letter into the record.

DOCKET NO. 2-15 **SAPTHAGIRI, LLC**
2167 Route 4 East
Block 5452, Lots 3.01 – 3.06 and 4

A motion was made by Ms. Cooney, seconded by Councilman Pohan, and passed on a vote of 8 to 0 by members Pohan, Forshner, Sakin, Suh, Cooney, Nicholas, Keng and Greenberg to adopt the Resolution of Approval for signage variances for this application as prepared by the Board Attorney.

DOCKET NO. 6-15 **SELK AUTOMOTIVE, LLC**
d/b/a Plaza Automotive
1696 Route 46 East
Block 3559, Lot 1

Chairman Greenberg announced: This is to deem this application for minor site plan approval, including the replacement of an office trailer at 1696 Route 46, complete and to accept it for public hearing. Marc Macri, Esq. is representing the applicant.

Mr. Macri stated: I have reviewed Mr. Jovishoff's memorandum dated June 20, 2015. We will comply with all of Mr. Jovishoff's requests.

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

Chairman Greenberg advised the applicant to contact Ms. B. Klein to schedule a date for the public hearing of this application.

**DOCKET NO. 5-15
Completeness**

**69 MAIN STREET ASSOCIATES, LLC, and
PENROSE PROPERTIES, LLC
69 Main Street
Block 4355, Lots 13, 17, 18 and 19**

Chairman Greenberg announced: This is to deem this application complete and to accept this application for a minor subdivision and lot consolidation at 69 Main Street for public hearing. Jennifer Porter, Esq., is representing the applicant.

Ms. Porter advised: I have reviewed the memorandum of Mr. Michael Jovishoff dated June 17, 2015.

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

**DOCKET NO. 5-15
Public Hearing**

**69 MAIN STREET ASSOCIATES, LLC, and
PENROSE PROPERTIES, LLC
69 Main Street
Block 4355, Lots 13, 17, 18 and 19**

Chairman Greenberg announced: This is a public hearing for an application for a minor subdivision and lot consolidation at 69 Main Street. Jennifer Porter is representing the applicant.

Ms. Porter submitted proof of service and public notice to the board and advised: I have reviewed the memoranda of Mr. Jovishoff dated June 17, 2015 and dated June 19, 2015. We would like to subdivide a portion of existing Lot 13 and to consolidate that subdivided portion of Lot 13 with lots 17, 18 and 19 for the purpose of creating a new lot. The subject property, including the subdivided portion of Lot 13 and Lots 17, 18 and 19, was previously approved by this board for a 140-unit affordable

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residential development. This is the Action Motors site. We have entered into an agreement with Daibes for this property. Upon the acquisition of these properties, the property will be held for the purpose of constructing the multi-unit housing development.

The following were marked into evidence:

Exhibit No. A-1: Minor Subdivision and Lot Consolidation Plan dated 6/19/15.

Exhibit No. A-2: Sheet No. 1 of Exhibit A-1, Subdivision of Lot 13, EXH-1, dated June 5, 2015.

Exhibit No. A-3: Sheet EXH-2, Consolidation of Lots 17, 18 and 19 and a portion of Lot 13, dated June 5, 2015.

Mr. Francis J. Wecht, Jr., land surveyor and planning consultant for the applicant, was sworn in, stated his qualifications and advised: Exhibit No. A-1 is an overview of the property. We decided to subdivide Lot 13 as shown on the plan and to consolidate the subdivided portion of Lot 13 with Lots 17, 18 and 19 to create a new lot. There was a condition of approval with this application, and that condition was to acquire a lease, but with this subdivision to acquire a portion of Lot 13 and to consolidate that portion of Lot 13 with Lots, 17, 18 and 19, that lease will no longer be necessary. We will comply with all of the requests contained in the reports from the board's experts.

Chairman Greenberg opened the meeting to the public for questions of Mr. Wecht, but no one from the public came forward.

Chairman Greenberg opened the meeting to the public for comments regarding this application, but no one from the public came forward.

A motion was made by Councilman Pohan, seconded by Mr. Nicholas, and passed on a vote of 9 to 0 by members Pohan, Forshner, Sakin, Suh, Cooney, Nicholas, Marshall, Keng and Greenberg to approve this application.

DOCKET NO. 3-15

**1616 BERGEN, LLC
1616 Bergen Boulevard
Block 3452, Lot 3.01**

Chairman Greenberg stated: This is a public hearing for an application for preliminary and final major site plan approval for a Starbucks drive-thru coffee

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shop, a convenience store, and signage at 1616 Bergen Boulevard. Christos J. Diktas, Esq. is representing the applicant.

Mr. Diktas stated: This is an application for property on Route 46. The property is on Bergen Boulevard just south of the intersection of Hazlitt Avenue. The property is on a corner and is slightly irregular in shape with a frontage on Bergen Boulevard of 319+ feet and a frontage on Hazlitt Avenue of 90 feet. We are seeking preliminary and final site plan approval to construct a gasoline service station with a retail store and a Starbucks coffee shop with drive-through service on Bergen Boulevard in a C-5 zone.

The following were marked into evidence as exhibits:

A-1: Aerial photograph of the site dated June 18, 2015.

A-2: Site Plan dated June 18, 2015.

Mr. Charles Olivo, site engineering expert and traffic engineering expert for the applicant, was sworn in and stated: The site is highlighted in yellow on Exhibit No. A-1. There are 12 vehicle fueling stations. There is a 200 square foot shop for snacks. Currently there are two driveways on Bergen Boulevard, one for ingress and one for egress, and a two-way driveway on Hazlitt. We are proposing to enlarge the driveway on Hazlitt slightly. Hazlitt Avenue is one-way. Our goal is to utilize the site in a more efficient manner. This site is not unique; it is shallow as are other sites in this area. We are proposing a Starbucks drive-thru and a Tigermarket snack shop. We are proposing to add parking stalls. The retail building will be a convenience store of approximately 1,000 square feet. The fueling area will remain the same. There is no reason to actually use Hazlitt Avenue. This will be only the second Starbucks drive-thru in New Jersey. The existing Starbucks drive-thru facility is in Cranford, New Jersey. Drivers will enter the site from the south heading north. We will have a capacity for a five-car stack. For the drive-thru, the average waiting time will be 80 seconds.

Chairman Greenberg stated: I think it will take more than 80 seconds at the drive-thru. I am concerned about stacking and blocking the vehicles that are being fueled as well as blocking the egress.

Ms. Cooney inquired: Why don't you enter directly into Starbucks?

Mr. Olivo replied: Because the department of Transportation would not permit a second curb cut. Our current plan has been approved by the DOT. In my opinion, our proposal is the safest configuration.

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Mr. Jovishoff questioned: Is there an option to walk to the Starbucks to place an order?

Mr. Olivo answered: Yes. You can place your order on foot out of the stream of traffic. Currently, there are six striped parking spots. We are proposing 17 parking stalls on the property. There will be four parking spaces in the area of Starbucks and 13 parking spaces in the area of the convenience store.

Ms. Tiberi questioned: How many people on foot can queue up and not interfere with the vehicles?

Mr. Olivo responded: I would say two people. You could also fit any number of people on the sidewalk.

Councilman Pohan stated: The applicant is way over on parking on the number of parking stalls to be provided. Why is there so much parking?

Mr. Olivo responded: We had some lost areas that we felt would be best used for parking.

Mr. Jovishoff questioned: Do you have any idea how many people would be fueling and walk over to Starbucks to place an order?

Mr. Olivo responded: That is difficult to say.

Mr. Olivo continued: We will try to create a larger landscaped area by removing one parking stall. On the site now there is a long trench drain. We will clean that trench drain out. We will make improvements to the existing storm water drainage system that will include new connections and inlets throughout the property.

Mr. Jovishoff stated: I am worried about the lighting on the site. Affordable housing is going to be built next door, and I am concerned about spillover from the lighting.

Mr. Olivo stated: We are investigating the lighting, and we will make certain it conforms. We are proposing a 6-foot fence along the south side of the property that will be board-on-board.

Mr. Kienz advised: The applicant is going to have to come back with a proposal as to how it will protect the affordable housing residence with regard to the lighting and fencing.

Mr. Olivo stated: The variances required are for minimum front yard setback, minimum side yard setback and minimum rear yard setback. All of these variances are required to create an efficient flow on the site and to provide efficient use of the land. The canopy will not change.

Mr. Jovishoff stated: A variance is also required for the corner.

Mr. Olivo advised: We will also need waivers. We will need a waiver for parking in the front yard, and we will need a waiver for parking 5 feet from the side and rear lot lines. We will amend our application and then come back before the board. We will also come back with a detailed signage packet.

Chairman Greenberg opened the meeting to the public for questions of Mr. Olivo, but no one from the public came forward to question Mr. Olivo.

Mr. Kienz stated: This is an operating, active gas station. Will you close it completely and shut it down if you receive approval for this application?

Mr. Olivo stated: We will put together a phasing plan.

Mr. Diktas advised: The fuel tanks on the site will not be changed.

Mr. Kienz advised the applicant: You might want to seek only preliminary approval at this time.

A discussion ensued relative to the date on which the hearing for this application will be continued, and Mr. Diktas advised the applicant would like to return for the meeting of July 13, 2015.

Mr. Kienz advised: We will continue hearing this application on July 13, 2015. No further public notice will be required.

ADJOURNMENT

A motion was made by Mr. Sakin, seconded by Mr. Forshner, and passed without objection to adjourn this meeting at 8:45 p.m.

Respectfully submitted,

Patricia A. Jordan
Recording Secretary

