

**FORT LEE PLANNING BOARD**  
**September 28, 2015**

PRESENT: A. Pohan, N. Forshner, L. LaMastro, B. Suh, J. Cooney, C. Nicholas,  
M. Marshall, S. Sakin, Robert Ferris, Herbert Greenberg

ABSENT: C. Keng.

PRESENT: G. C. Kienz, Esq., Board Attorney; B. Klein, Board Secretary;  
M. Jovishoff of Phillips, Preiss, Grygiel Associates; M. Tiberi,  
Boswell Engineering, D. Juzmeski, Neglia Eng., C. Trentacosti,  
Board Office Ass't.

Chairman Greenberg called the meeting to order at 7:35 p.m.

**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 Mr. Marshall, seconded by Mr. LaMastro and passed on a vote of 8 to 0 by members Pohan, Forshner, LaMastro, Suh, Cooney, Nicholas, Marshall and Greenberg to approve the minutes of the meeting of August 17, 2015. Mr. Sakin abstained from the vote.

**MEMORIALIZATION**

**Docket #3-15**

**1616 Bergen, LLC**

1616 Bergen Boulevard

**APPROVED**

Block 3452, Lot 3.01

Preliminary & Final Major Site Plan – Starbucks Drive Thru/Convenience Store/Signage.

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 2**

It was moved by Ms. Cooney, seconded by Mr. Nicholas and passed on a vote of 8-0 by members Pohan, Forshner, LaMastro, Suh, Cooney, Marshall, Nicholas and Greenberg to grant the applicant site plan approval.

**REFERRAL FROM THE GOVERNING**  
**BODY - Amendment to the Redevelopment Plan for Area 3**  
**Block 3656, Lots 6 & 7 and Block 4056 lots 1 & 14**

A transcript of this matter is being made for the file.

Michael Jovishoff, Borough/Board Planner stated the original plan was prepared in June of 2003 and adopted in December of 2005. It has been ten years since the original plan was adopted and no developer proceeded with the project. A new developer has come forward and therefore the amendment to the original plan. The property is located on the south side of Main Street and has 200 ft. of frontage and 200 ft. in depth. The property is sloped and the rear portion of the site is at grade on Jane Street. The property is approximately .83 acres. The proposed development to include affordable housing supports the 1988 Master Plan and the Master Plan reexamination reports of 1995, 2001, 2004 and 2011. Mr. Jovishoff reviewed the surrounding uses, the permitted uses, the zoning criteria and design elements of the Amended Redevelopment Plan.

Chairman Greenberg asked for comments from the Board.

Mr. LaMastro asked if the Borough was purchasing the property?

Mr. Jovishoff stated no, this is not eminent domain.

Councilman Pohan stated the site presently is a dumping yard for the Metropolitan Plant Exchange. This is a challenging area and the site plan will come before the Planning Board.

Mr. Nicholas stated this was not always a dumping site, it once was an appliance store.

It was moved by Mr. Marshall, seconded by Mr. Forshner and passed on a vote of 9-0 by members Pohan, Forshner, LaMastro, Sakin, Suh, Cooney, Marshall, Nicholas and Greenberg to recommend adoption of the Amended Redevelopment Plan to the Governing Body.

Chairman Greenberg announced that the regular meeting of the Planning Board scheduled for Monday, October 5, 2015 is being cancelled. The public hearing

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 3**

scheduled, Docket #7-15, Richard Kantor, 128 Bluff Road, Block 752, Lot 6.01 is being carried to the meeting of October 19, 2015. No further notice on the part of the applicant and the applicant has waived the time for the Board to act.

**Section 31 Capitol Review**

**The Port Authority of New York and New Jersey**

Block 5302, 5303 and 5304

Improvements to Bruce Reynolds Boulevard and relocation of SEMAC Building

A transcript of the matter is being made for the file.

Chairman Greenberg announced that Councilman Pohan is recusing himself from this matter and Mr. Ferris will sit in for Councilman Pohan.

Chairman Greenberg announced that David Juzmeski, Neglia Engineering, will be sitting in for Mr. Jovishoff as the Board's planner as Phillips, Preiss & Grygiel has a conflict.

Port Authority representatives Bill Young, Senior Client Manager External Relations, Bob Durando, General Manager and Rocco Cetera, Engineer, reviewed the site location.

Mr. Durando stated that 3 ½ to 4 years ago he had a conversation with Mayor Sokolich on improvements to the area. The property is located across from the Modern (Area 5) and we have met with the Fort Lee Business Alliance Committee.

Mr. Cetera reviewed the site improvements for the Board. Proposed is a prefabricated 3,565 sq. ft. building for storage of equipment, machine shop work and locker/changing facilities. The existing chain-link fence will be replaced with a 10ft. high louvered fence. Streetscape improvements will also include the sidewalks and a pedestrian ADA ramp incorporating the style recommended by the Fort Lee Business Improvement District.

Chairman Greenberg asked if new lighting was being proposed.

Mr. Cetera stated none at this time.

Chairman Greenberg asked to the present location of the SEMAC building.

Mr. Cetera stated it is presently under the bridge on Hudson Terrace.

Chairman Greenberg asked to the parking.

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 4**

Mr. Cetera stated there will be 15 spaces for the employees all on Port Authority property. There will be no change to the street network. Any lighting will be at grade for parking and security.

Chairman Greenberg asked to the landscaping.

Mr. Cetera stated we will be removing 21 dead and/or damaged trees. Ten trees will be protected.

Mr. Nicholas asked to the old roadway/helix.

Mr. Cetera stated during construction there will be a new temporary roadway.

Mr. Nicholas asked to the possibility of the second entry roadway off of the PIP.

Mr. Young stated it was discussed years ago and is still a possibility in the future.

Mr. LaMastro asked if this was a 9 year project.

Mr. Cetera stated this part of the project is for one year.

Mr. LaMastro asked if on the 510ft. of sidewalk additional shrubs could be planted. This site is adjacent to the Modern and Hudson Lights and is a corridor for our new development. We need to soften the façade of the louvered fence and dress up the area. Perhaps breaks in the façade with more flowering trees and plantings.

Mr. Cetera stated they will take it into consideration.

Ms. Tiberi, Boswell Engineering, asked to the drainage on the site.

Mr. Cetera stated the drainage, including the roof drainage, all tie into two inlets connected to Central Road.

Mr. Juzmeski, Neglia Engineering, asked for confirmation that the sidewalks will conform to the Borough's streetscape.

Mr. Young stated we met with Mr. Kopperweiss and looked at the mock-ups. This will be taken into consideration.

Ms. Ilonka Angalet, principal landscape architect for the Port Authority stated they will look into options with regard to the landscaping.

Mr. LaMastro asked how long the fence will be erected.

Ms. Angalet stated as long as the Port Authority utilizes the site.

Mr. Lamastro stated he hoped the Port Authority will consider cut-outs in the louvered fence for additional landscaping.

Mr. Forshner asked if this will be a temporary site. It appears more permanent.

Mr. Cetera stated until 2024.

Mr. Sakin referred to permissions that were given several years ago and nothing happened. Is this a good reflection next to a multi-billion dollar project.

Mr. Durando stated that was before our time. This is being designed to align with future Port Authority development.

Mr. Sakin asked who the contractor would be.

Mr. Durando stated preliminary drawings will be put out to bid.

Mr. Kienz summarized the project for the Board.

The Board unanimously authorized Mr. Kienz to prepare a letter pursuant to the Section 31 Capitol Review and to include suggestions on the streetscape and landscaping.

Councilman Pohan returned to the dais to participate in the meeting.

#### **ACCEPTANCE/COMPLETENESS**

**Docket #8-15**            **1590 Lemoine Avenue, LLC**  
1590 Lemoine Avenue  
Block 4252, Lot 22

Preliminary/Final Major Site Plan – Child Care Center over Ground Level Parking

Danielle Lamake, Kaufman, Semeraro & Leibman, representing the applicant stated we will comply with the report of Michael Jovishoff dated September 25, 2015. Ms. Lamake stated there will be no new signage proposed with the application and the applicant will update the present lawn signage at the site. All revisions will be provided prior to the hearing.

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 6**

Mr. LaMastro asked if the monument sign is remaining.

Ms. Lamake stated yes, but it will be changed and testimony will be provided at the time of hearing.

It was moved by Mr. LaMastro, seconded by Mr. Sakin and passed on a vote of 9-0 by members Pohan, Forshner, LaMastro, Sakin, Suh, Cooney, Marshall, Nicholas and Greenberg to deem the application complete. Ms. Lamake will call the Board office for a hearing date.

**Docket #9-15            HOMA Construction**

2443 First Street  
Block 6959, Lot 7

Two-Family Dwelling/Site Plan Relocation of Sewer

David C. Russo, representing the applicant stated we are in receipt of the completeness report of Michael Jovishoff dated September 23, 2015. Mr. Jovishoff stated that there are a number of items that must be submitted ten days prior to a hearing on the location of the sanitary sewer.

Mr. Russo stated we will provide that information to the Board.

Mr. Nicholas asked to the residence in the rear.

Mr. Garval, site engineer for the applicant, stated there is an easement agreement between the two properties along with an access agreement for the sewer. We will address these issues at the time of hearing.

It was moved by Mr. Marshall, seconded by Mr. Sakin and passed on a vote of 8-0 by members Pohan, Forshner, Sakin, Suh, Cooney, Marshall, Nicholas and Greenberg to deem the application complete. Mr. LaMastro abstained from the vote. Mr. Russo will call the Board office for a hearing date.

**PUBIC HEARING**

**Docket # 1-15**

**Joohyun Pyune**  
**1095 Palisade Avenue**  
**Block 853, Lot 3**

Chairman Greenberg advised: This is a continued hearing from the meeting of May 18, 2015.

Saverio Cereste, representing the applicant, stated we were last before the Board on May 18<sup>th</sup>. The property is located in the R1 residential zone and the applicant is proposing an Art/Internet School. The ground floor building addition is 1,000 sq.ft. in the back of the residence and the second floor addition is 183 sq. ft. The ceiling is vaulted at the second level. Variances are needed for parking and signage.

Mr. Cereste called Steven Koestner, PE, Koestner Engineering Associates, 61 Hudson Street, Hackensack, NJ. Mr. Koestner was sworn in and his credentials accepted by Chairman Greenberg.

Mr. Koestner reviewed the site plan last revised September 15, 2015 for the Board stating there is 9,639 sq. ft. of lot area. The revised plan includes the vehicle turning templates and the removal of existing retaining walls along the front of the property which were in the right-of-way. The revised Stormwater Management Plan has an enlarged Cultec stormwater management system in the front yard connected to a trench drain. Landscaping has been increased to include a line of 23 boxwood shrubs and an increase in arborvitae to 41.

Mr. Cereste marked into evidence

**Exhibit A4 – Color Rendering Subject Property– Mounted**

Mr. Koestner stated there is approximately a 5ft. difference in grade from the front to the rear of the property.

Mr. Koestner reviewed the zoning data for the Board stating the parking area in the front of the building has been increased by reducing the size of the garage.

Mr. Koestner stated that the only variances needed are for parking where no parking is permitted in the front yard and for the ground sign which is not permitted in the zone.

Mr. Jovishoff stated that a variance is also needed for parking within the side lot line.

Mr. Koestner stated the drainage was relocated to the front due to the higher bedrock in the rear of the property. The seepage pits are now located in the front. There is “0” increase on site and there is no impact to the surrounding properties.

Mr. Cereste asked to the location of the HVAC units and the property lighting.

Mr. Koestner stated the HVAC units are located on the north side of the structure and 6 ft. from the property line. The building to the north is 10 ft. from the property

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 8**

line. The lighting is residential in nature and there is no spill onto neighboring properties.

Chairman Greenberg asked for questions from the Board.

Mr. Nicholas asked to the distance from the north side parking spots to the property line.

Mr. Koestner stated 15 ft.

Councilman Pohan asked if a parked car is able to exit front out onto Palisade Avenue and not back out.

Mr. Koestner stated yes by completing a "K" turn.

Ms. Cooney asked what caused the parking variance, the extension of the building.

Mr. Koestner stated the removal of the garage.

Ms. Cooney asked if the school was accredited. The approval for the extension was granted by the Building Department and the denial came second. I feel the intent was to always to have a school and the Building Department was misled.

Mr. Cereste stated she is a resident artist and this is an internet school.

Mr. Forshner asked what the sign states.

Mr. Cereste stated I-Art Institute. 99% of Ms. Pyune's students work with her online.

Chairman Greenberg questioned the need for a sign. I would like to see if a C.O. has been issued and the various inspection reports. I want to know if the facility is presently occupied by students.

Mr. Cereste stated he did not know and would contact Mr. Ribarro, the Building Inspector.

Chairman Greenberg stated please make the inquiry. This Board requires more information.

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 9**

Mr. Cereste stated that building permits were issued and I'm not sure if they were aware the extension was for this purpose. This family has been living there and is not a new family.

Ms. Tiberi asked to the hedge planting in the front and if there would be more screening.

Mr. Koestner stated we are 10 ft. from Palisade Avenue.

Mr. Cereste stated we can provide more screening without going into the right-of-way.

Mr. Koestner reviewed the parking circulation for the Board.

Councilman Pohan stated the submitted brochure looks as though the school is in use. I'm still confused as to what this is and don't feel we are getting the full picture. It appears there could be as many as 4, 5 or 6 stations, not just 2. There are creditability issues.

Mr. Forshner stated it would appear if it were a school more requirements would be necessary.

Chairman Greenberg stated he would speak directly with Mr. Ribarro.

Mr. Cereste called the architect Iae Ik Kim, 2044 Center Avenue, Fort Lee, NJ. Mr. Kim was sworn in and his credentials accepted by Chairman Greenberg.

Mr. Cereste marked into evidence

**Exhibit A 5 - Mounted color rendering of the building/existing residence and commercial/residential spaces in yellow and green.**

Mr. Kim reviewed the exhibit for the Board stating 680 sq. ft. has been added to the residential component.

Mr. Cereste marked into evidence

**Exhibit A 6 - Mounted color rendering of the school extension.**

Mr. Kim stated the look of the building is residential, not institutional.

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 10**

Mr. Nicholas stated this look to me is 80% commercial and 20% residential and is out of character with the neighborhood.

Mr. Kim stated 60% of the brick is existing. The stucco façade and gable roof is residential in character.

Ms. Cooney stated I have the original plan from the Building Department and since 2013 they have had this extension. The concept was always for an art institute. I would like to know if this is being taxed residential or commercial.

Mr. Cereste stated this question is not for the architect.

Councilman Pohan asked how many bathrooms are in the building.

Mr. Kim stated one on the ground floor and one master bath suite on the second floor.

Chairman Greenberg asked for questions from the public.

Natalie Brusco, 1090 Cumbermeade Road stated there were 19 parking spaces on the original drawing and now reduced to 5 spaces. How so.

Mr. Kim stated no there were never 19 spaces. Required is 1 spot for 4 students per the code. There is a driveway one way in and one way out.

Mr. Cereste called David Spatz, Professional Planner, 60 Friend Terrace, Harrington Park, NJ. Mr. Spatz was sworn in and his credentials accepted by Chairman Greenberg.

Mr. Cereste marked into evidence

**Exhibit A 7 – Mounted photographs of surrounding properties**

Mr. Spatz reviewed the surrounding properties and different uses. There are a number of commercial/office uses on the west side of Palisade Avenue and the east side is mostly residential. Variances are required for parking in the front and side yard and the monument sign. The parking can be reduced by one and parking in the front yard is consistent with the development on this side of Palisade Avenue. The sign provides safety for parking entry. The use is consistent with the immediate neighborhood and the intent of the zoning ordinance is met. The benefits outweigh the detriments and the proposal is in keeping with the neighborhood scheme.

**Fort Lee Planning Board**  
**September 28, 2015**  
**Page 11**

Councilman Pohan asked why five spaces are necessary if only two students per session.

Mr. Spatz stated they wanted to meet the requirement of the ordinance. With just a residence the parking would be two. The fifth space can be eliminated if the Board chooses.

Chairman Greenberg asked for questions from the public, no one appeared.

Chairman Greenberg announced the hearing will be continued to the meeting of November 9<sup>th</sup> no further notice on the part of the applicant.

**ADJOURNMENT**

It was moved by Mr. Sakin, seconded by Mr. LaMastro and passed without objection to adjourn this meeting at 10:10 p.m.

Respectfully submitted,

Barbara Klein, Board Secretary

