

**FORT LEE PLANNING BOARD**  
**November 9, 2015**

PRESENT: A. Pohan, N. Forshner, B. Suh, J. Cooney, C Nicholas, R. Ferris,  
H. Greenberg.

ABSENT: L. LaMastro, S. Sakin, M. Marshall, C. Keng.

PRESENT: G. C. Keinz, Esq., Board Attorney; B. Klein, Board Secretary;  
M. Jovishoff of Phillips, Preiss, Grygiel Associates; M. Tiberi of  
Boswell Engineering.

Chairman Greenberg announced that at this evening's meeting Mr. Ferris 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 Mr. Forshner, seconded by Mr. Ferris and passed on a vote of 4 to 0 by members Pohan, Forshner, Suh and Ferris to approve the minutes of the meeting of October 19, 2015. Members Cooney, Nicholas and Greenberg abstained from the vote.

**PLANNING BOARD CALENDAR OF REGULAR PUBLIC MEETINGS FOR 2016**

A motion was made by Councilman Pohan, seconded by Mr. Nicholas and passed on a vote of 7 to 0 by members Pohan, Forshner, Suh, Cooney, Nicholas, Ferris and

Greenberg to approve the Planning Board Calendar of Regular Public Meetings for 2016.

**DOCKET NO. 7-15**                      **RICHARD J. KANTOR**  
**128 Bluff Road**  
**Block 752, Lot 6.01**

A motion was made by Mr. Forshner, seconded by Mr. Ferris, and passed on a vote of 4 to 0 by A. Pohan, N. Forshner, B. Suh, and R. Ferris to approve the Memorialization for the Resolution of Approval for this application for an in-ground pool, raised masonry patio, and outdoor kitchen facility. Members Cooney, Nicholas and Greenberg abstained from the vote.

**DOCKET NO. 10-15**                      **WENESCO (Wendy's Restaurant)**  
**1435 Bergen Boulevard**  
**Block 2751, Lot 2**

Chairman Greenberg advised: This is a public hearing to deem this application complete and to accept this application for signage/façade alteration at 1435 Bergen Boulevard for public hearing. John Schepisi, Esq. is representing the applicant.

Michael Caulfield, Esq. advised: I am appearing on behalf of the office of John Schepisi, Esq. for this application. I have brought with me this evening the two checks that are necessary for this application. In addition, the signature line now appears as required.

Mr. Jovishoff advised: This application can be deemed complete.

A motion was made by Ms. Cooney, seconded by Councilman Pohan and passed on a vote of 7 to 0 by members Pohan, Forshner, Suh, Cooney, Nicholas, Greenberg and Ferris to deem this application as complete.

The applicant was advised to contact Ms. Klein to arrange for a public hearing date for this application.

**DOCKET NO. 1-15**                      **JOOHYUN PYUNE**  
**1095 Palisade Avenue**  
**Block 853, Lot 3**

Chairman Greenberg advised: This is a continuation of the public hearing for this application from our meeting of September 28, 2015.

Mr. Cereste stated: I met with Mr. Ribarro on October 7, 2015 to discuss this application. The applicant purchased the property in November 2013. The applicant then applied for construction permits in the spring of 2014. The permits were issued. In the fall of 2014 the applicant made inquiries about tutoring students inside the building. Mr. Ribarro felt it was a change in use for this property when the applicant applied for permission to tutor students inside the building and consequently he decided this matter should be heard by the Zoning Board of Adjustment. I filed an application with the Zoning Board of Adjustment in 2014. I also discussed the application with Mr. Jovishoff who felt the application was more in line with a school. The application was then moved to the Planning Board. We submitted our application and appeared before the board. There are many dental and medical offices within 200 feet of this property. None of these uses is permitted in the R-1 zone and they required D-1 variances to operate within this area. Essentially, our use is permitted. No variances are required for this application. We will be providing extensive landscaping, drainage and parking. I believe this is a solid application. If the applicant were to see more than four students at a time, she would lose her Certificate of Occupancy. I don't feel the expansion is excessive. There is enough parking.

Councilman Pohan stated: There are four parking spaces that could be utilized for four students. There is a garage that I assume is being used by the owner/applicant. I understand there is also a workspace inside the building for an assistant. If you are going to have an assistant, you need more parking.

Mr. Cereste stated: The students who come to this property are "students" and are driven to this location. I think Mr. Ribarro used a misnomer with the word "gallery". The applicant has permits for everything. It was the word "tutoring" that caused Mr. Ribarro to send this matter before the board. The applicant has filed her permits, and she has gotten her approvals.

Mr. Jovishoff advised: There is a buffer in the rear yard. The applicant has the correct number of parking spaces.

Mr. Kienz stated: This is a permitted use with de minimus issues. This is a clean application. It appears that there may have been some confusion that put things a little out of order. Sometimes things do get out of line. The applicant has tried to straighten things out. You have to look at the face of the application.

Chairman Greenberg opened the meeting to the public and the following appeared to address the board.

1. Ms. Natalina Brusco, 1090 Cumbermeade Road, Fort Lee, New Jersey: I have been here for all of the meetings on this application. The house is still residential. Yet a martial arts truck has been parked on the property for many days now.

Mr. Kienz stated: It should be noted that I have just received 7 photographs of a martial arts truck parked on the property and that I am marking these 7 photographs into evidence.

Mr. Cereste stated: This truck belongs to the brother of the applicant. Tist truck is not parked there on a permanent basis.

Chairman Greenberg advised: There was no truck on the property when I passed by there. This will be a residence and a school for four children who will be doing computer work.

Councilman Pohan stated: It is my understanding that this application is only being approved as an art studio for a maximum of four students.

Mr. Cereste responded: This is correct.

Councilman Pohan stated: I think the dye has been cast already. At this point to deny this property owner the opportunity to run a modest operation – much as I hate to see parking in the front yard -- would not be appropriate. So, with some reluctance, I am making a motion to approve this application.

Ms. Cooney seconded the motion and stated: The attorney and the applicant gave us a solid application and presented everything they were supposed to present. But, what I don't understand is how someone can make an application to a board for changes that they have already gone ahead with and that are almost complete. Another part of the problem here is there has been a change in the character of a neighborhood and the neighborhood has been compromised. Permit approvals were given across the board in this area. I don't blame this applicant for this. But, if you want to change a neighborhood, then change the zoning for that neighborhood. This is an issue that has to be addressed. Who is to blame?? The Planning Board, the Planner, the Building Department?? This is an issue that has to be looked at. My issue is that when an application is before a board, nothing should be able to be done before board approval has been given. And, if you want to change the look of an area, then change the zoning.

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The motion to approve this application was passed on a vote of 4 to 0 by members Pohan, Forshner, Suh, and Greenberg. Members Cooney, Nicholas, and Ferris abstained from the vote.

When abstaining from the vote, Mr. Ferris stated: I concur with what Ms. Cooney stated immediately after she seconded the motion.

### **ADJOURNMENT**

A motion was made by Mr. Forshner, seconded by Mr. Ferris, and passed without objection to adjourn the meeting at 8:20 a.m.

Respectfully submitted,

Patricia A. Jordan  
Recording Secretary