

FORT LEE PLANNING BOARD
August 15, 2016

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

ABSENT: C. Keng, H. Greenberg.

PRESENT: G. C. Kienz, Esq., Board Attorney; M. Jovishoff of Phillips, Preiss,
Grygiel, LLC; M. Tiberi of Boswell McClave Engineering.

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

NOTICE OF MEETING

Vice Chairman Sakin 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 2016.

APPROVAL OF MINUTES

A motion was made by Ms. Cooney, seconded by Mr. LaMastro and passed on a vote of 7 to 0 by members Pohan, Marshall, LaMastro, Suh, Cooney, Ferris and Sakin to approve the minutes of the meeting of July 18, 2016.

DOCKET NO. 11-15

**BORDER DEVELOPMENT, LLC
REDEVELOPMENT AREA 8
1679-1685 Bergen Boulevard
604-608 Main Street
Block 3557, Lots 4, 5, 6, 7 and 8**

Vice Chairman Sakin advised: This is a public hearing for an amendment to the final site plan approval for this application. Danielle Lamake, Esq. is representing the applicant.

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Danielle Lamake Esq., appeared on behalf of Paul Kaufman, Esq. who is representing this applicant, and advised: We were here July 18, 2016 and did not have our professionals with us. We were not prepared to proceed that evening as we wanted time to prepare and respond to the Board's Professionals reports. We are now ready to proceed and I would like to call up our first witness, our Civil Engineer Matthew Clark.

Mr. Matthew Clark, engineer for the applicant, was sworn in and submitted his qualifications.

Ms. Lamake stated: The plans on the board are the ones submitted with the application. Have they been changed since we received the resolution of approval?

Mr. Clark stated: Yes, the plans have been changed since the original approval. One of the conditions of approval was to meet with the NJDOT, review the application to see if the plans were acceptable. We felt that there were significant enough changes after our meetings with the NJDOT and so we are before the Board today.

Mr. Keinz questioned: Do we need to mark these or are they on file?

Mr. Clark stated: They are on file. These plans have a revised date of July 8, 2016. The original application had two driveways, one to enter into the upper parking level and the other to enter into the lower parking level along Bergen Boulevard. The DOT required us to remove the driveway closest to the intersection of Bergen Boulevard and Fort Lee Road which we have done. We are now left with one entrance of ingress and egress. Now we have to get from our upper level of parking to our lower level of parking, so to do that we provided an interior ramp. It takes you from the first level to the second level of parking. This ramp took away twelve parking stalls. To maintain the twelve parking spaces that were approved we provided for a partial third level of parking under the second level. Besides these changes mentioned there have been no changes architecturally. We also met with the County. We have their approval. Part of that approval is to eliminate the existing wall along Main Street to improve the site distance looking left across Bergen Boulevard to Main Street. They also wanted it removed so there would be no impact from our detention system on that wall. Again, nothing else has changed. Same amount of parking, same bedroom count. It did eliminate the design waiver we had for the driveway and its proximity to the intersection. We made changes to our landscape plan as well. Both the Board Planner and Engineer have asked that we make changes to fill in the blanks for where the driveway was eliminated and we have no problem with that. We will work with them to fill in whatever is necessary. No new variance, no new waivers, nothing of that kind.

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Mr. Nicholas questioned: The existing driveway, you can go left or right out of that?

Mr. Clark stated: Yes.

Ms. Cooney questioned: The County had no problem with the left hand turn out of the driveway?

Mr. Clark stated: No.

Mr. Keinz questioned: You have three changes. Is this an Amended Preliminary and Final Major Site Plan or just an Amended Final Site Plan?

Ms. Lamake stated: Just an Amended Final Site Plan.

Mr. Sakin stated: Any other questions?

Mr. LaMastro questioned: Will the ventilation on the lower level of parking be addressed?

Mr. Clark stated: Yes, on our design construction plans for the project but we anticipate that it will be needed on the third level.

Mr. LaMastro questioned: Will changes with landscaping, because of the size of the wall and exposure, be taken care of also?

Mr. Clark stated: To the satisfaction of the Board Engineer and Planner, Yes.

Mr. Sakin stated: Any other questions?

Ms. Tiberi stated and questioned: You said the grading got lower because of the County requesting the removal of the retaining wall. In removing that and lowering the corner you are lowering it 8 feet, from 291 to 283, that is significant. What is the increase? How will this help with visibility?

Mr. Clark stated: I don't know how to put a value to that. We did not quantify it, but it will help with the visibility of the left turn by lowering it 6feet-8feet. It is going to help in that regard.

Ms. Tiberi stated: If the County requested the wall to be removed, I got the sense that it's a good thing. Now I was wondering how much of a difference that is. There is 8 feet more garage mass now. The architectural drawing shows an access door but the landscape plan does not show an access door.

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Ms. Cooney questioned: Is there an access door?

Mr. Clark stated: There is an access door on the landscape plan and one of the comments was to incorporate that so we will. We didn't quantify the wall removal because the County said to remove and we knew there would be an improvement. The County's concern was there would be more pressure on my existing wall, which was an all gravity wall, and it could be pushed over or fall which would cause a problem. We decided to eliminate it from the equation.

Mr. Jovishoff stated and questioned: I wanted to understand the explanation. The NJDOT wants the wall to be removed for safety. So you are. My concern is it will increase base mass significantly. Can you add a wall back on the property plus additional landscaping?

Mr. Clark stated: We can go from 8 foot high evergreens to 10-12 foot high evergreens to help the screening. We are reluctant to adding another wall because that is the location of our detention system, but we are willing to work together to provide what you are asking. We also made changes to accommodate your comments to the openings.

Mr. Jovishoff stated: Could you please talk about those changes to the landscape plan. Is it solid or?

Mr. Clark stated: It's not solid, it's more of a decorative feature like a lattice to allow the circulation to come through and provide a decorative look to it. If you would like a change to that it could be accommodated.

Mr. Jovishoff stated and questioned: Last question I have is the retaining wall shown here on the east end of the Main Street frontage. It looks like an abandoned house there and how does it affect access to the property?

Mr. Clark stated: That house is abandoned and in disrepair. It is my understanding there is no intention to occupy it. The wall provides no impact on the structure. If in the future if there is access from the street needed it could be cut in, but it is not necessary at this time.

Mr. Jovishoff stated: You are removing the access so it is your responsibility to create it if something should happen.

Mr. Clark stated: Yes, if something should happen.

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Ms. Cooney questioned: Did the Applicant make an attempt to purchase this property?

Mr. Clark stated: It is my understanding that he owns it.

Ms. Lamake states: The building is going to be demolished. There is already a demolition permit out on it.

Ms. Tiberi stated and questioned: The traffic engineer, Mr. Chuck Olivo, submitted to the DOT a lot merger plan of this property. The abandoned home was included as one of the lots in the lot merger plan. He said he was going to get back to me to clarify. Can you clarify this?

Mr. Clark stated: I cannot but I will get back to you. I will follow up with Chuck.

Mr. Kienz questioned: Is this part of the application?

Ms. Tiberi stated: He submitted it as part of the original application for the lot merger plan that was given to the DOT.

Mr. Clark stated: I don't know. I cannot speak for Chuck, but that lot is not part of the Redevelopment Plan.

Mr. Keinz questioned: Why would the DOT care?

Mr. Clark stated: I think the DOT may be part of the error. Their application was to merge the lots associated with the application and I believe this lot was added in error.

Councilman Pohan stated: There may have been a question to whether or not that lot was occupied. They needed some kind of access to get back to Main Street which they use to have when it was a two way road.

Mr. Clark stated: In the past there were individual homes on this property. The DOT may have said merge the lot to eliminate that equation for them possibly ever coming back.

Mr. Keinz stated: I don't believe this should be a condition of an approval, if the DOT requires the lot merger then so be it.

Ms. Cooney questions: Is that lot Fort Lee?

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Mr. Clark stated: No it is not. It is not included in the Redevelopment Plan or these plans. I think it was in error and I will clarify.

Ms. Tiberi stated: It shouldn't be included.

Mr. Clark stated: No it shouldn't be. The house is coming down. But what we have shown on the plan is there is no impact to the structure. It is not part of this application.

Ms. Lamake stated: It is not part of this application. There were questions of the access to that house and it is not going to be an issue.

Ms. Tiberi stated: So it is not part and we do not want it to be part of the lot merger.

Mr. Clark stated: Yes.

Vice Chairman Sakin questioned: Any other questions from the Board? Any questions from the public?

Mr. Keinz stated: Showing none.

A motion was made by Ms. Cooney, seconded by Councilman Pohan, and passed on a vote of 8 to 0 by members Pohan, Marshall, LaMastro, Suh, Cooney, Nicholas, Ferris and Sakin to approve the application for Amended Final Site Plan Approval. Mr. Forshner abstained.

DOCKET NO. 7-16

**SUNNY INVESTMENT ENTERPRISE, LLC
235-239 Main Street
Block 4751, Lots 25 and 26**

Saverio Cereste Esq., is representing the applicant, and advised: We previously had an application before the Zoning Board of Adjustment. It is an interior building right across from the Post Office. It compliments three buildings which were extensively renovated by the client. This is the third of three buildings. We are here to speak about 237 Main Street which is one of three buildings. We created nine parking spaces on the north side of the property where none existed. The building is about 1,800 square feet and we are proposing a forty seat restaurant inside. We have a little courtyard that divides 237-235-239 Main Street. It will be seasonal seating for four to five months of the year. There is currently a tenant who signed a lease. They are a coffee shop and patisserie/bake fresh on site with full service seating available.

Mr. Keinz questions: Is this property within 200' of Borough Hall?

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Mr. Keinz stated and questioned: I want to make sure we do not have to invoke the rule of necessity. Are we within 200' of the municipal lot?

Mr. Cereste stated: Yes, the municipal parking lot.

Mr. Keinz stated: I am going to invoke the rule of necessity as long as no one feels that they have a problem hearing this application.

Mr. Cereste stated: The plan is to utilize it as a café to serve breakfast, lunch and dinner. The fare is light as far as food is concerned. I have a brochure that the tenant prepared. Upstairs was originally proposed as a residential use when they were before the Zoning Board. Now, it is proposed that the owner will use upstairs as her private office. This conditional use met the Zoning standards as far as the restaurant and the office on the second level, so there is no longer a D1 variance required. At the north side of the lot there were nine parking spots created to service 237 Main Street. We improved the parking. We originally had ten on the plan and had to eliminate one spot because of the concerns brought up by the Board's professionals. We have already received permission from the Parking Authority to provide access to this parking lot. We added landscaping to the property. Additionally, there is a one story building that contains about 744 sq. ft. which will service one of the other restaurants on Main Street. It has a kitchen area/prep area. It has nothing to do with this 237 Main Street but we are proposing it on this plan with this application. This application deals strictly with 237 Main Street.

Mr. Nicholas questioned: If the owner decided to rent out the office upstairs instead of occupying it for themselves, would that be allowed?

Mr. Cereste stated: Yes it would be.

Mr. Nicholas questioned: Is that their intent?

Mr. Cereste stated: No they want to use the space.

Mr. Nicholas questioned: But they rent? Would that change the parking requirement?

Mr. Cereste stated: Yes, they could rent it but it would not change the parking requirement. This is in the C1 Zone, so it also has a reduced parking requirement. You can reduce the parking requirement by 1000 sq. ft. and there is no parking requirement for that upstairs office.

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A BROCHURE SHOWING PICTURES OF THE FOOD TO BE SERVED BY THE TENANT (MAVI'S) IS MARKED INTO EVIDENCE AS A-1.

Ms. Cooney stated: Your plan shows an existing restaurant. Is that the old Blimpie? The new kitchen addition seems to be attached to this but will not serve 237?

Mr. Cereste stated: Yes, it is the old Blimpie and no, it will serve 239 but not this one.

Mr. Seung Kim, architect for the applicant, was sworn in, and submitted his qualifications.

Mr. Keinz questioned: Mr. Kim did you hear all of the comments that counsel made? Do you agree as it pertains to your testimony?

Mr. Kim stated: Yes I do. I prepared the architectural plans which were the same ones that were submitted with the application. We are proposing a café not a restaurant. The first floor is 1,800 sq. ft., the second floor is 956 sq. ft. and both are existing. The new kitchen addition has access to the backside of the building and the employee bathrooms. We are proposing forty seats in the cafe.

Mr. Cereste stated: Please talk about the courtyard on the south side of the building.

Mr. Kim stated: The corner building, 235, use to be Blimpie and behind this is 237 where there is an existing courtyard. The courtyard is now beautifully renovated and we are proposing outdoor seating with twenty-eight seasonal seats.

Mr. Cereste questioned: What is the intended use?

Mr. Kim answered: The applicant intends for this area to be in use from May or June through the late fall.

Mr. Cereste stated: Mr. Kim please speak to where the HVAC and mechanical equipment will be located and if accessible to the public.

Mr. Kim stated: It will be located on the roof with a parapet wall and screening so that it cannot be seen and you will only be able to access this area from the back of the building via stairs to get to the lower level of roof or going through the second floor. It is only for the maintenance people.

Mr. Cereste questioned: Do we have a dedicated trash removal location?

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Mr. Kim stated: Trash used to be in the courtyard area that we cleaned up. We now put all garbage behind 237. It will be in a container that is approximately 5'x6' in size with a fence around it and daily pickup service. There will be access for them to pick up the garbage through the parking lot.

One of the comments from the engineers is the plan shows 32 seats when counting all the chairs. Along the north wall there are benches to make the proposed seating forty.

Mr. Cereste questioned: Is there lighting in the parking area?

Mr. Kim stated: Yes, the engineer will testify to the lighting, but there are two wall mounted fixtures and two freestanding fixtures.

Mr. Cereste questioned: Is there signage proposed with this application?

Mr. Kim stated: No signage is proposed at this time, but we will go through the Sign and Façade Committee and seek separate approval once we are ready to proceed.

Mr. Cereste questioned: The tenant is called Mavi's and they will essentially be a café?

Mr. Kim stated: Yes, they will be a dessert café serving coffee, teas and light fare.

Mr. Cereste questioned: Is there a basement on this building and what is the function?

Mr. Kim stated: Yes, we thought there was a basement but there was not much of one so we more or less made it into a crawl space. We put the hot water heater and mechanicals down there. It is not useable space and the ceiling height goes anywhere from 3-4 feet to 5-6 feet at its highest elevation.

Ms. Cooney stated: There is a lot of kitchen here for light fare.

Mr. Kim stated: The kitchen is for 239. They share access but not the kitchen.

Mr. Forshner questioned: They are keeping the existing kitchen & adding a new kitchen?

Mr. Kim stated: They are trying to add a walk-in box.

Ms. Cooney stated: There will be no additional seats in 239. You are extending the

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existing kitchen. That's been a pretty successful place. It had been around for a long time. Now you are saying the kitchen isn't big enough.

Mr. Kim stated: Their main problem is storage space.

Ms. Cooney stated: Storage space is a lot different than kitchen space.

Mr. Kim stated: I understand that but they are not planning on cooking in this extension right now. They need storage.

Ms. Cooney stated: What is your definition of a kitchen?

Mr. Kim stated: The walk-in box is part of a kitchen. They want extra space for their storage.

Ms. Cooney stated and questioned: Tell me exactly what we are looking at. There is a big difference between a kitchen and storage. Are we looking at storage or are we looking at a kitchen?

Mr. Cereste questioned: Let me ask him this question. Is there cooking in the extension?

Mr. Kim stated: No we are not proposing any cooking, only storage. There are bathrooms in the back and we need access to the bathroom.

Ms. Cooney stated and questioned: You are putting a little bathroom in the back for the employees. Don't tell me that you are doing this for the bathroom. What is the real function of this space?

Mr. Kim stated: The function is for storage. They want a walk-in box. There are two hatch doors to access the basement on each side. They cannot block those spaces to get in so there is no space to put cooking equipment. There is an egress door and the only place we can put storage is here where the walk-in box is. They already were issued a permit for the walk-in box.

Ms. Cooney questioned: So you are telling me before the Board approved this you already have the permit to put the box in.

Mr. Kim stated: We got a permit on the walk in box only.

Mr. Forshner questioned: There will be no sinks, no ovens and there is no cooking?

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Mr. Cereste stated: We could stipulate that this is strictly a storage facility in the resolution.

Mr. Forshner stated: They could have just called it a storage addition.

Ms. Cooney stated: You said kitchen and now you are saying storage. If you are wrong in saying kitchen then say you will correct it. If you are not wrong then I have a real problem.

Mr. Kim stated: I will correct what I just testified here to. It is storage with an auxiliary to kitchen. It is strictly for storage.

Ms. Cooney stated: Okay only storage, in the resolution.

Mr. Keinz stated: I see an existing restaurant on the upper left hand corner. I see a second existing restaurant under that. I see a new kitchen addition to the right of that. Then I heard about the kitchen over here and the forty seats with the courtyard. Now my forty seats, I'm assuming, are down on the right hand side at 5 o'clock if we put a clock in center court yard. Is that correct?

Mr. Cereste stated: That's correct.

Mr. Keinz stated: So why am I looking at the existing restaurant with the 20 seats and existing restaurant with 56 seats. I assume the kitchens for those two facilities are where it says existing kitchen and existing kitchen. This is not really part of this application but it happens to be attached to it. Then we got to the new kitchen addition and it is not going to be a kitchen as I understand it. It is going to be kitchen storage with a refrigerator box. Then there is outdoor seating and we have a kitchen that is going to provide for the forty seat patisserie. This is then what we need clarified. If action is to be taken by the Board you are going to need to revise your plans.

Councilman Pohan stated: What is confusing me is this last page of the exhibit that was handed out. The floor plan is substantially different than what is being showed on the plans.

Mr. Keinz stated: As the Councilman stated, this plan is substantially different.

Mr. Cereste stated and questioned: That is not my handout. My handout did not have that plan attached. Who gave you the yellow copy?

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Mr. Keinz stated: I believe these people in the audience handed them out. They are saying that they are the tenant.

Mr. Cereste stated: I have never seen nor met these people before.

Mr. Keinz questioned: Would you like to take a five minute break to settle the confusion.

Mr. Cereste stated: No, I have never met these people or seen this document. I would like to collect what is not mine that was handed out and proceed.

HANDOUT NOT SUBMITTED AS EXHIBIT WAS COLLECTED AND RETURNED.

Mr. LaMastro stated: Mr. Kim, seventy-six seats exist and now you are adding sixty-eight, including seasonal. That is a total of one hundred and forty-four seats. Mr. Cereste mentioned nine spots are proposed by you. I know we have a municipal lot but I think this still need addressing since I do not see the parking chart on the plans.

Mr. Cereste stated: The only address we are talking about is 237. 235 & 239 are not before the Board right now. I cannot go through the history of how these other uses came to exist and what was granted over the years.

Mr. Keinz stated: He is correct. We cannot go into it.

Mr. LaMastro stated and questioned: Forty permanent seats and twenty-eight seasonal seats are proposed. Where is the parking chart?

Mr. Cereste: I believe Mr. Jovishoff provided an analysis.

Mr. Keinz stated: The engineer will talk about the parking.

Mr. LaMastro questioned: What about the kitchen and the letter that was submitted by the Board of Health?

Mr. Cereste stated: I've seen these about five times before. It is just a template letter that he sends because there is a kitchen application.

Mr. Forshner stated: But it is for a kitchen. He responded to the fact that you are putting in a kitchen as you said.

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Mr. Kim stated: What I submitted to this Board must have went to this agency. There is no improvement to that space itself.

Mr. Forshner questioned: Can you change the plans and mark it as a storage facility?

Ms. Cooney questioned: There is not going to be kitchen access, other than the new kitchen in 237.

Mr. Cereste stated: Yes, that is correct. He typically gives the same letter on every food establishment and we will comply with it. It is not a zoning issue.

Vice Chairman Sakin stated: The Board thinks we need to recess to a later date. We would like to see exactly what needs to be approved. Please reorganize and come back. Council recommends we move this to next month.

Ms. Cooney questioned: Respectfully, can we hear the other expert?

Mr. David Garval, engineer for the applicant, was sworn in, and submitted his qualifications.

Mr. Cereste stated: Please describe the existing site conditions for 237 Main Street.

Mr. Garval stated: The two lots equal 11,743 sq. ft., a quarter of an acre. There are three addresses on two lots of the block. Two of the restaurants will be opening up soon. The middle of the lot building is what we are talking about, 237. It is a proposed two story, existing building. It is substantially finished from the outside. There is a proposed office on top. The ground floor has a proposed kitchen, forty person seating area inside and court yard area with twenty-eight seats outside. The construction is basically finished.

Mr. Cereste stated: Please describe the parking on the north side of the property.

Mr. Garval stated: There are nine proposed parking spaces including one handicap space and a landscaped buffer around. There is a four foot entrance from the one way drive. We already spoke with the Parking Authority and purchased the spot from them so that we could have access to our driveway.

Mr. Cereste questioned: Can you explain the spot that was eliminated from the original plan?

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Mr. Garval stated: We originally had one more proposed space but eliminated it because it was too tight and could add more landscaping. We also stayed under the maximum imperious coverage by removing this spot.

Mr. Cereste stated: Could you please review the grading and storm management.

Mr. Garval stated: We prepared and submitted a storm management plan which we provided to the town. It is underground detention and percolation system. The testing showed the soil is good for the water to percolate there. We have a few inlets provided with a main one for the parking lot and a couple of yard inlets.

Mr. Cereste stated: Could you describe the landscaping.

Mr. Garval stated: We are providing landscaping on the east and north side of the property. As suggested by Board engineer with will add extra screening. We also show two lighting poles and the two wall mounted lights as shown by the architect on the building.

Vice Chairman Sakin questioned: Any questions?

Mr. LaMastro questioned: Mr. Jovishoff, how many spaces for the total sixty-eight proposed seats?

Mr. Jovishoff stated: It is the downtown overlay district and it would require seventeen spaces.

Mr. LaMastro questioned: How many spaces for the all the seating on the lot?

Mr. Jovishoff stated: 235 -239 would have a total of one hundred forty-four seats and require thirty-six spaces all together.

Ms. Cooney questioned: What is the impact of the new parking going to have on the proposed municipal lot?

Mr. Cereste stated: The planner will testify to that.

Mr. Marshall questioned: How big is the office upstairs?

Mr. Garval stated: 956 sq. ft.

Mr. Marshall questioned: And the basement?

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Mr. Garval stated: It is a crawl space. No useable square footage.

Mr. Marshall questioned: What is the height?

Mr. Kim stated: It is about 3 feet to 5 feet.

Vice Chairman Sakin questioned: Any questions?

Ms. Tiberi stated: In the review letter dated August 10th there are many comments. I think we, myself and Michael need to meet with the applicant to tighten things up and have a better presentation to the Board.

Mr. Keinz questioned : What is Mr. Spatz going to speak to?

Mr. Cereste stated: He is going to go over the variances. There are parking, setback, and façade variances.

Mr. Keinz stated: Okay please have Mr. Spatz sit in on the meeting.

Ms. Cooney questioned: Can they bring signage with them when they come back?

Mr. Cereste stated: They have not gone before the Board because if this does not get approved there is no signage. It will be on the building. There will be no free standing signage.

Mr. Jovishoff stated: They are not approved by the Sign and Façade Committee yet. Also, there are façade variances that are needed and the Committee can review both.

Vice Chairman Sakin stated: Be ready for September 12, 2016. This application will be continued to the September 12, 2016 meeting. No further notice is necessary on the part of the applicant and time is waived.

Mr. Nicholas stated and questioned: I have been on the Board for about seven years and we have approved at least ten restaurants. They need a variance here, an adjustment here, and we approve them because they conform to the ordinance. We never look at the big picture. There are no spaces, we approve more seats, where are they going to park? Where are we going to put all of these people. Mr. Jovishoff, let me ask you a theoretical question. On Main Street, from Center to Lemoine if they all wanted to turn to restaurants, could they?

Mr. Jovishoff stated: Theoretically, they could. There is a reason there is a fixed amount of floor area and a restaurant could be an office and so on. It is because the

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zoning was devised for this, and the reason that they allow the 1000 sq. ft. reduction for office space. Yes, the parking needs of an office and restaurant are different but when this zoning was done they took into account that the municipal lot was there with sufficient parking to accommodate commercial uses in the area.

Mr. Nicholas stated and questioned: I understand that the municipal lot is there, but my problem with that is we sold spots in that lot and now we will be selling more spots. When I was on the Council I remember there being a "parking piggy bank". Does that still exist, Councilman Pohan?

Councilman Pohan stated: Yes, it still exists but we cannot require money submission to the parking fund. The money goes into the Parking Authority trust fund but must be done by the Applicant out of their "public spiritness". The issue of parking downtown is one of the reasons that the Park Authority is planning on putting up the parking garage. The question is could all of this be done without the parking garage going in.

ADJOURNMENT

A motion was made by Mr. Forshner, seconded by Mr. Ferris, and passed without objection to adjourn this meeting at 9:00 p.m.

Respectfully submitted,

Christen S. Trentacosti
Recording Secretary