

FORT LEE PLANNING BOARD
FEBRUARY 25, 2019

PRESENT: A. Pohan, M. Marshall, R. Ferris, B. Suh, M. Sargenti, R. Kative, M. Kaplan, J. Cooney,.

ABSENT: L. LaMastro, N. Forshner, H. Greenberg.

ALSO PRESENT: Glenn Kienz, Esq., Board Attorney; and Michael Jovishoff of Phillips, Preiss, Grygiel, Leheny, Hughes LLC;

NOTICE OF MEETING:

Vice Chairwoman Cooney stated: Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: On October 15, 2018 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2019. The time, date, and location of said schedule was posted on the Bulletin Board at 309 Main Street. A copy of said schedule was mailed to the RECORD, JERSEY JOURNAL, STAR LEDGER, SPECTRUM, posted on the Borough's Website and was filed with the Borough Clerk. A written notice of the time, place and proposed Agenda was posted on the Bulletin Board at 309 Main Street and mailed to the RECORD, JERSEY JOURNAL, STAR LEDGER, SPECTRUM, posted on the Borough's Website and was filed with the Borough Clerk. Copies have been mailed to all persons who have prepaid the \$35.00 fee fixed for the year 2019 to cover the cost of mailing.

APPROVAL OF MINUTES – JANUARY 7, 2019:

A motion was made by Mr. Marshall, seconded by Mr. Ferris, and passed on a vote of 6 to 0 by members Pohan, Marshall, Ferris, Sargenti, Kaplan and Cooney, to approve the minutes of the meeting for January 7, 2019. Mr. Suh and Ms. Kative abstained from the vote.

2019 AMENDED CALENDAR OF REGULAR PUBLIC MEETINGS:

Vice Chairwoman Cooney stated: There has been discussion about changes in the calendar and our secretary has addressed them so we will now take action.

A motion was made by Ms. Kative, seconded by Mr. Pohan, and passed on a vote of 8 to 0 by members Pohan, Marshall, Ferris, Suh, Sargenti, Kative, Kaplan and Cooney, to approve the 2019 Amended Calendar of Regular Public Meetings.

ACCEPTANCE/COMPLETENESS:

**DOCKET #1-19 FORT LEE OFFICE, LLC
 TWO EXECUTIVE DRIVE
 REDEVELOPMENT AREA 9
 BLOCK 6451, LOT 5.02 (A PORTION OF)
PRELIMINARY & FINAL MAJOR SITE PLAN – FIVE (5) STORY MULTI-FAMILY
RESIDENTIAL DEVELOPMENT CONSISTING OF FORTY (40) AFFORDABLE HOUSING
UNITS**

FORT LEE PLANNING BOARD
February 25, 2019

Vice Chairwoman Cooney advised: This is for the acceptance for review of an application by Fort Lee Office, LLC for property located at Two Executive Drive, Redevelopment Area 9, for preliminary and final major site plan approval. The acceptance for review by this board will acknowledge that the application has also been deemed complete. Paul Kaufman, Esq. is representing the applicant.

Mr. Placek advised: I am appearing behalf of Ms. Lamake tonight. We have reviewed the memorandum provided by Michael Jovishoff and we are requesting a waiver for item number twenty-three. We will provide testimony at the hearing.

Mr. Jovishoff questioned: Will you comply with all of the other items that I requested?

Mr. Placek stated: Yes, more than 10 days prior to public hearing.

Mr. Jovishoff stated: I recommend that this application be deemed complete.

Vice Chairwoman Cooney questioned: Just as clarification, this is the piece of property that we recommended to the Governing Body be a Redevelopment Area, correct?

Mr. Jovishoff stated: Yes, more than recommended.

Mr. Pohan questioned: Item thirty-two is the requirement of a traffic study and the applicant requested a waiver but as I understand it now you will provide a traffic study in writing?

Mr. Placek stated: Yes, more than 10 days prior to public hearing.

Mr. Jovishoff stated: I spoke with Ms. Lamake this afternoon and she confirmed they will be providing a traffic study.

Mr. Kaplan questioned: I wanted to bring up the stormwater drainage plan. Will that be provided as well?

Mr. Placek stated: Yes.

A motion was made by Mr, Kaplan, seconded by Mr. Pohan, and passed on a vote of 7 to 1 by members Pohan, Marshall, Ferris, Suh, Sargenti, Kative and Cooney, to accept this application for review, and by so doing, deeming this application to be complete pending submission of the agreed upon items and documents. Mr. Kaplan voted not to approve.

PUBLIC HEARINGS:

**DOCKET #5-18 PHO TODAY FORT LEE, LLC
2151 LEMOINE AVENUE
BLOCK 5952, LOT 11**

MINOR SITE PLAN -SGINAGE

FORT LEE PLANNING BOARD

February 25, 2019

Mr. Cereste stated: Saverio Cereste, Esq. representing the applicant Pho Today Fort Lee, LLC. They are a Vietnamese restaurant that has opened its doors for business. They do have a sign up that I thought appears to be permanent, but it is temporary. They will be changing the uppercase letters and the logo. We are requesting five variances: capital letters no greater than 10 in.; lowercase letters not greater than 8 in.; logos not greater than 12 in.; wall signage not to project greater than 14 in. from building; and sign limited to 3 colors. I will mark the following exhibits that were submitted with the application:

A1 – Letter from Paul Leale, dated September 5, 2018

A2 – TD Sign Design

A3 – Mounting Schematic

A4 – Elevation Signage

A5 – Shopping Center Signage Currently in Mall

Mr. Kienz questions: Counselor, are these part of your application?

Mr. Cereste stated: Yes.

Mr. Kienz stated: Okay, if they were part of your submission, we are not going to mark them. Only anything new we will mark.

Mr. Cereste brought up his first witness Mr. Nguyen, Principal and Owner of TD Sign.

Mr. Cereste stated: Please describe the proposed sign.

Mr. Nguyen stated: The logo and capital letters will change. Everything else will stay the same.

Vice Chairwoman Cooney stated: Say that last part again.

Mr. Cereste stated: Please explain that.

Mr. Nguyen stated: The height of the capital letter is too small, you will not see it.

Mr. Cereste questioned: What are the size of the letters?

Mr. Nguyen stated: The capital letters will be 18 inches, the logo is 14 inches and the lowercase letters are 12 inches.

Mr. Cereste asked: The sign is placed between the two columns, why?

Mr. Nguyen stated: To mount the sign we put it on bars.

Mr. Cereste questioned: It is not being put on the facade of the building, correct?

Mr. Nguyen stated: No, it is not.

FORT LEE PLANNING BOARD

February 25, 2019

Page 4

Mr. Cereste questioned: How is it being lit?

Mr. Nguyen stated: By Samsung LED lights.

Mr. Cereste questioned: What color will it be lit?

Mr. Nguyen stated: Mostly white at night.

Mr. Cereste questioned: Is the signage in the mall comparable to this?

Mr. Nguyen stated: Yes.

Mr. Cereste stated: We will also stipulate to the sign illumination being off from 11pm to 6am.

Mr. Jovishoff questioned: The illumination of the sign, right now is all I see are the letters illuminated at night is any other portion going to be illuminated at night?

Mr. Cereste stated: No.

Mr. Jovishoff questioned: Are you willing to make the time restriction a condition of approval?

Mr. Cereste stated: Yes

Mr. Kienz questioned: So, the sign will be off from 11pm to 6am?

Mr. Cereste stated: Yes.

Ms. Kative stated: Please do not take this the wrong way, but I drove by and took a picture of the existing sign and grand opening sign. I stood at Verizon and could read the Grand Opening sign that is up on the façade. I do not understand why they need the sign on the brick stanchions if there is a sign that is on the façade and is visible from the other sign of the parking lot?

Mr. Cereste stated: I am not aware of this other sign you are talking about.

Mr. Kienz stated: Ms. Kative if you would be so kind as to pass around your phone to counsel and the Board to see the picture you are talking about.

Mr. Cereste stated: This sign will be taken down. It is a banner.

Mr. Jovishoff stated: Under the ordinance they are allowed to have a temporary sign.

Mr. Kienz stated: I don't believe that is what they are asking. They are saying you can have the sign on the façade and see it.

Mr. Jovishoff stated: I don't think it would be visible further up on the façade where the sign would be.

FORT LEE PLANNING BOARD

February 25, 2019

Page 5

Vice Chairwoman Cooney questioned: After the Grand Opening this sign is coming down and the sign you are requesting is going on the façade in its place?

Mr. Cereste stated: No, it is going to remain where the temporary sign is now.

Ms. Kative stated: This was a temporary sign also you said.

Mr. Cereste stated: Yes, it's temporary as the letters are going to be a little larger.

Councilman Sargenti questioned: How will you mount this?

Mr. Nguyen stated: It'll be 12 feet one piece with 3 1/2 inch anchors - 8 for each side. The sign weighs less than 150 lbs. We can put it up easily.

Councilman Sargenti stated: After a while bolts become loose and the wind we get would be a concern for me.

Mr. Nguyen stated: I don't think it will be a problem. The anchors open up.

Vice Chairwoman Cooney questioned: How many more stores are there under this walk?

Councilman Sargenti stated: Two, I believe.

Vice Chairwoman Cooney questioned: What kind of signage do they have?

Ms. Kative stated: The sign for the end store fronts on Lemoine Avenue.

Vice Chairwoman Cooney questioned: What is stopping you from lining up with the other signs?

Mr. Cereste stated: It can be done. They are seeking visibility and the sign is very minimalistic. The sign and façade committee liked it.

Vice Chairwoman Cooney stated: To me it is not uniform.

Mr. Cereste stated: I think it is appropriate.

Mr. Marshall stated: If you didn't have the LED lighting, I could understand you not seeing the sign on the façade and wanting it between the two columns. The wind is a huge factor here and this sign is 81 inches wide. It's safer on the wall. I think on the columns it's ugly and not safe.

Vice Chairwoman Cooney stated: Help me understand that.

Mr. Marshall stated: The LED you can see day and night.

FORT LEE PLANNING BOARD

February 25, 2019

Page 6

Mr. Ferris stated: I think it's disconcerting that we were told it was temporary. It is really not, and it was up before you came to the Board.

Mr. Cereste stated: The placement was approved by Brian Ribarro.

Mr. Ferris stated: I don't think one has to do with the other.

Mr. Kienz questioned: Do you have any other witnesses?

Mr. Cereste stated: No.

Mr. Pohan questioned: How high are the Dollar tree letters? It's hard to see on the wall.

Mr. Cereste stated: It is in a recessed area. This sign was reviewed by the Sign and Façade Committee.

Vice Chairwoman Cooney stated: Yes, but they provided us with two sentences.

Mr. Kienz stated: You need a waiver of site plan as well.

After the vote commenced, Vice Chairwoman Cooney questioned to Mr. Kienz: What happens if there is a tie?

Mr. Kienz stated: You can put another motion up because you are not going to litigate a sign. The Board can discuss their issues with the sign. The problem with sign applications is you spend the most time on them. The beauty is in the eye of the sign viewer. My position is you would discuss between each other and then put up another motion.

A motion was made by Mr. Pohan, seconded by Councilman Sargenti, and passed on a vote of 5 to 3 by members Pohan, Suh, Sargenti, Kaplan and Cooney, to approve the to approve the application for the signage. Mr. Marshall, Mr. Ferris and Ms. Kitive voted not to approve.

**DOCKET #1-19 SOMERSET TIRE SERVICE, INC./
MAVIS DISCOUNT TIRE
2419 LEMOINE AVENUE
BLOCK 7056, LOTS 10 & 11
MINOR SITE PLAN -SGINAGE**

Mr. Orth stated: Derek Orth, Esq. representing the applicant Somerset Tire Service, Inc./Mavis Discount Tire. This is the former Fort Lee Tire. Mavis has been issued permits to renovate and has enhanced the appearance and site. They are finish at this point and just waiting to put up the signage.

Mr. Kienz questioned: Okay, let's just talk about the sign. You have Mr. Jovishoff's plan report?

Mr. Orth stated: Yes, I will get to the professionals.

**FORT LEE PLANNING BOARD
February 25, 2019
Page 7**

Mr. Bryan Ehnes of Bolar Engineering was sworn in as the Engineer.

Mr. Orth stated: Mr. Ehnes please walk us through the application.

Mr. Ehnes stated: The project is in the C2 zone. We are requesting one free standing sign that is not permitted but there is already one existing. We are keeping the sign in the same location, but it will be larger. It is 16'10" high and 50 feet in area and a zero-foot setback.

Mr. Kienz stated: Michael Jovishoff's numbers might be different. The height is 16.8 and the area is 48.7 feet.

Mr. Ehnes stated: Yes.

Mr. Kienz stated: Okay thank you. Please continue.

Mr. Ehnes stated: This shows the elevation of the building. The existing is 12 signs with approximately 109 sq. footage and we are proposing 1 sign at 100 sq. feet and internally illuminated by LED. The projection is 6 inches. One hundred percent of the sign is letters where only forty percent is allowed. The wall sign has three colors and the freestanding sign has five.

Mr. Jovishoff stated: The freestanding is not permitted. The five would apply to the overall application. The new freestanding sign is how much closer to the right of way.

Mr. Ehnes stated: It will be shifted slightly over so its edge is to the current edge.

Mr. Pohan questioned: Is the freestanding sign parallel or perpendicular to Lemoine Avenue?

Mr. Ehnes stated: It is perpendicular.

Mr. Kaplan questioned: Is this the freestanding sign you are speaking about here (points to a submitted picture)?

Ms. Kative questioned: Is the height staying the same?

Mr. Ehnes stated: Yes, but the height of the sign is larger.

Ms. Kative questioned: Could you please give us the dimensions of the old vs. new?

Mr. Ehnes stated: The old is 25 feet and the new is 47 feet.

Councilman Sargenti questioned: How will you secure this? There is extremely high wind in this area.

Mr. Ehnes stated: We will make sure we submit to the building department to get approval.

Councilman Sargenti stated: What I am saying is, the sign is massive, and you are doubling the size, it

FORT LEE PLANNING BOARD

February 25, 2019

Page 8

seems immense. I think it is going to be overpowering.

Vice Chairwoman Cooney questioned: The new building is all even across the top. It looks wonderful. There are several lights as you approach that area. No one is speeding by. What is the rationale of making it bigger vs. the size there now?

Mr. Ehnes stated: Most buildings are fronted with zero setback in the area.

Vice Chairwoman Cooney stated: I don't agree because it is mostly open area around this property.

Councilman Sargenti stated: Especially with the color you pick the sign up quickly. People will see it. I think with the size of the pole you should downsize. I love it but I think you are overpowering with this size and there is a lot of wind in the area. One of the signs in another town on Goffle Road that I pass all the time is a perfect size.

Mr. Kienz questioned: How big is the sign? About 32 feet?

Councilman Sargenti stated: Yeah I would say around 34 feet to 36 feet.

Mr. Kaplan questioned: If we vote to accept do they still have to submit to the building department?

Mr. Kienz stated: That is outside of this Boards prevue. They have their own rules, regulations and standards.

Mr. Ehnes stated: The pole is still there if they can use it. If they cannot use it they will replace it.

Mr. Kienz stated: The building department has a different prevue.

Mr. Kaplan questioned: They will make sure it is safe?

Mr. Kienz stated: They have to.

Brian Seidel, John McDunum Associates, Planner was sworn in.

Mr. Orth stated: Can you provide an overview of the application.

Mr. Seidel stated: Generally, this project contains two parcels. It is on a ½ acre of land on Lemoine Avenue. There are commercial uses on either sides and residential behind. It is in the C2 zone and the commercial nodes and corridors zone. We are asking for relief for the freestanding sign which is existing but there will be a new sign on top. The wall sign requested is going to replace twelve signs which will all be removed and replaced with one sign. We are providing three colors on the façade sign. The improvement outweighs any negative. The visibility of the sight will be clearer, and it will help clarify the use and consistency of the branding. It will clean up the clutter that was there. The sign is consistent with the branding and will fit in nicely. The signs are adjacent to the corridor. They are all facing the street and there will be no impact to the residential zone. This can be approved according to the standards.

FORT LEE PLANNING BOARD

February 25, 2019

Page 9

Mr. Jovishoff questioned: The property is within the nodes and corridors zone. There are variances required from the standards for the façade. Can you address those?

Mr. Orth: I will recall my engineer

Mr. Jovishoff questioned: Okay while you have the engineer, I have a question. It seems there are three sign boxes for the wall sign, what is illuminated? Just the letters?

Mr. Ehnes stated: Yes, just the letters.

Mr. Pohan questioned: How long has Fort Lee Tire been there?

Ms. Kative stated: Longer than I've been here.

Mr. Pohan questioned: My point is, they survived with a smaller sign. And what is the speed here?

Councilman Sargenti stated: 25mph.

Mr. Pohan questioned: Why would you need such a large sign when you are not supposed to be going that fast?

Mr. Orth questioned: Can I take a brief recess to call the client?

Mr. Kienz stated: Lets finish your testimony and we will throw out a number.

Mr. Orth stated: I will call back my professional planner.

Ms. Kative stated: What you did with the building is beautiful.

Mr. Seidel stated: To address your planner's question, the reason for non-compliance of the façade issues is due to the existing non-conforming conditions.

Councilman Sargenti questioned: At night, how is this freestanding sign lit?

Mr. Ehnes stated: All LED.

Councilman Sargenti questioned: Nine is the latest you will have the sign on?

Mr. Ehnes stated: Yes.

Vice Chairwoman Cooney questioned: Old pictures show the freestanding sign is shorter than the roof. Will the new one go over?

Mr. Seidel stated: I believe it will cover. Yes, the parapet will block going to the residential.

FORT LEE PLANNING BOARD

February 25, 2019

Page 10

Councilman Sargenti questioned: How tall is the sign in its entirety?

Mr. Ehnes stated: 16 ft. 10 inches.

Mr. Jovishoff questioned: Is the freestanding sign fully illuminated?

Mr. Ehnes stated: Throughout the whole sign.

Mr. Jovishoff questioned: So, the teal is opaque?

Mr. Ehnes stated: Yes.

Ms. Kative stated: I love what you have done. My only concern, as I agree with the Board, is that you

are on a local street, there is low traffic and it is not a highway location. If we could negotiate the size of the sign, I think we could get out of here.

Mr. Kienz stated: Most freestanding signs are 24 feet to 32/34 feet. The Board is willing to go as high as 36 feet.

Vice Chairwoman Cooney: Especially since we are giving you 100 feet on the wall sign.

Mr. Orth stated: We appreciate the Board and its time and I would like to take a brief recess to call my client.

After two minutes the Board resumed.

Mr. Orth stated: We are mindful of the Boards time and efforts and we accept the 36 feet.

Mr. Jovishoff questioned: As a condition will you submit the revised plans to the office so that I can review them to make sure you are in full compliance?

Mr. Orth stated: Yes.

Mr. Kienz stated: You also need a waiver of site plan.

Mr. Jovishoff stated: Your hours of operation for the lights will be 9pm off at the latest and on at 6 am.

Mr. Orth stated: Yes.

Mr. Kienz stated: If the application is approved would like to waive receipt of the resolution to proceed at your own risk with the sign that would be acceptable to the Board.

Mr. Orth stated: Yes.

FORT LEE PLANNING BOARD

February 25, 2019

Page 11

A motion was made by Ms. Kative, seconded by Mr. Pohan, and passed on a vote of 8 to 0 by members Pohan, Marshall, Ferris, Suh, Sargenti, Kative, Kaplan and Cooney, to approve the to approve the application for the signage.

Mr. Kaplan stated: Regarding Two Executive Drive, I would like information from the Police Department, Emergency Services, etc.

Mr. Jovishoff stated: I assure they will provide it.

Vice Chairwoman Cooney stated: You have to get your feet wet for a little bit and watch us. This just went through completeness and will be all addressed through public hearing.

Mr. Jovishoff stated: You can request this at public hearing. That is the best place to request it.

Mr. Pohan stated: Ordinarily we deem these applications complete or as a condition for completeness

because they will give us the information. This just starts the clock to get the agencies before us.

Mr. Kaplan stated: Thank you. This makes me feel better.

ADJOURNMENT

A motion was made by Councilman Sargenti, seconded by Ms. Kative, and passed without objection to adjourn this meeting at 8:32 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti

Recording Secretary