

FORT LEE PLANNING BOARD

APRIL 8, 2019

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

ABSENT: H. Greenberg.

ALSO PRESENT: Glenn Kienz, Esq., Board Attorney; Michael Jovishoff of Phillips, Preiss, Grygiel, Leheny, Hughes LLC; Marisa Tiberi of Boswell Engineering; and Brian Intindola of Neglia Engineering Associates.

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. On February 25, 2019 this Body, by Resolution, adopted an Amended 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 – MARCH 11, 2019:

A motion was made by Ms. Kative, seconded by Mr. LaMastro, and passed on a vote of 6 to 0 by members LaMastro, Ferris, Suh, Kative, Kaplan and Cooney, to approve the minutes of the meeting for March 11, 2019. Mr. Marshall, Councilman Sargenti and Mr. Forshner abstained from the vote.

PUBLIC HEARINGS:

**DOCKET #2-19 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**

Ms. Lamake stated: Danielle Lamake, Esq. representing Fort Lee Office, LLC. We are here today with an application for a 40 Unit Affordable Housing Project. It has been deemed a Redevelopment Area. I have three witnesses with me today, an architect, engineer and traffic engineer.

Matthew Clark of MCB Engineering Associates, LLC was sworn in as an engineer.

Mr. Clark stated the revised plans that were submitted to the Board are on the easel. There is not much

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site engineering for this project since it is all building. Sheet 1 shows the background information, Sheet 2 shows the maps, Sheet 3 is the overall site plan. If you come up Executive Drive from Route 4 the building will be on the right. There is an existing deck and the new building will be behind this parking deck. The frontage is on Route 4 and it is on the cliff, so it is above Route 4. Sheet 4 shows a partial site plan map. The cliff drops off at the end of the line shown. Parking is provided for the project. There were 23 stalls in this location. We are taking away 13 but providing 10 in the same area. There is more than enough parking on the overall site to accommodate the requirements. There is no impervious area increase. I have been involved in this site for many years. There are 6 or 7 trees to be removed, which were not planted by us, but grew through the cracks. We can comply with all of Boswell's technical requests. You can get to the site from Route 4 or Executive Drive. The entrance to the building will be through the garage.

Vice Chairwoman Cooney questioned: The people who own Executive Drive, own this?

Mr. Clark stated: My understanding is yes.

Vice Chairwoman Cooney questioned: There is no subdivision?

Mr. Clark stated: Correct, no subdivision.

Vice Chairwoman Cooney questioned: Who owns Executive Drive?

Mr. Clark stated: Executive Drive is a private road.

Mr. Kienz stated: The application should be amended since the property does not front on a public street. Do you want to amend it now?

Ms. Lamake stated: Yes.

Mr. Kienz questioned: It is also a public building that does not front on a public street. Would you like to amend that as well?

Ms. Lamake stated: Yes, we would like to amend it to that as well.

Mr. Pohan questioned: Can fire trucks get back there?

Mr. Clark stated: Steve Curry provided a letter and we will comply with everything on it. They are aware that the trucks cannot get there.

Mr. Pohan questioned: What about garbage trucks?

Mr. Clark stated: There is an existing refuge area. I believe it will all be collected from that area.

Ms. Cooney questioned: All of the drainage is existing that is to be used. You have no concern with the added capacity?

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Mr. Clark stated: No, no concern and Boswell has asked for a CCTV.

Ms. Tiberi questioned: There is no increase in flow. You are converting the existing inlet and curbing. Are you adding or keeping?

Mr. Clark stated: We will add if we need to.

Ms. Tiberi stated: There is a discrepancy with the survey that you submitted.

Mr. Clark stated: Yes, that was an old Diaz survey. I will send you the new survey and it will clear it all up.

Ms. Kative questioned: Fire Prevention had concerns and I believe that even their requests are not stringent enough. I think the whole building needs to be sprinklered.

Ms. Lamake stated: The architect will address it.

Mr. Jovishoff stated: I would like to see additional landscaping around the island in the front of the building.

Mr. Clark stated: The applicant will comply.

Ms. Kative questioned: You are above Route 4 and 95. The building is right on the cliff. Will you put a small retaining wall in case of mudslides during heavy rain?

Mr. Clark stated: All codes and standards through construction will be complied with.

Mr. Kaplan questioned: Can you expand on the non-combustible construction?

Mr. Clark stated: The architect will address that.

Conrad Roncati of Architectura was sworn in as an architect.

Mr. Roncati stated: I have two sheets on the Board which were submitted to the Board and dated March 25, 2019. The access to the structure is through the parking garage. The driveway leads right to the rear and goes straight through the tunnel. It is not difficult to get to this building. The building will be behind the parking structure. This route is used every day by trucks, including tractor trailers to get to the loading area. This path is not being touched. I spoke with Steve Curry earlier today. This site would allow for fire trucks to get there under the garage. Curry and I spoke about whether you would do that and most likely you would not because you would be under the building. There is continued access. This project could be built under code as a wood structure, but we spoke about it and decided that type two, non-combustible, meaning no wood, would be the better way to go. Mr. Curry asked to upgrade the fire suppression system to a fully fire suppressed fire system. Every room would be sprinklered. Basically fire proof.

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Ms. Kative questioned: The head in a room would trigger the common areas as well.

Mr. Roncati started: Correct if it goes in the room it reports to the central system.

Councilman Sargenti questioned: How far are the fire hydrants from the building and how far will the fire people, men and women, need to carry these lines?

Mr. Roncati stated: There are fire hydrants in the front of the garage, and they would have to go about 120 feet or so. There are pipes in the parking structure.

Councilman Sargenti questioned: How long ago were they tested?

Mr. Roncati stated: They were used in the recent Linwood fire.

Councilman Sargenti questioned: Could we put in a substation for the fire department for hose and other equipment?

Mr. Roncati stated: Yes.

Vice Chairwoman Cooney questioned: How high is the tunnel opening?

Mr. Clark stated: I go through there every day. I would say 20 feet at the top of the entrance and 30 feet at the bottom.

Mr. Roncati stated: There is 25 feet of clearance under the building.

Vice Chairwoman Cooney questioned: What is the turning radius?

Mr. Roncati stated: Tractor trailers do it right now.

Councilman Sargenti questioned: Can an ambulance go in and around the building and will the building be modernized for the equipment?

Mr. Roncati stated: Yes.

Vice Chairwoman Cooney questioned: Is the walkway there now?

Mr. Roncati stated: No, it is part of the new construction. There will be four floors with 10 units on each floor. All units will be to one side of the building facing Route 4 and none will be looking at the parking structure. The building is 37 feet wide. There are 20 one-bedroom units and 20 two-bedroom units.

Ms. Kative questioned: What are the ceiling heights?

Mr. Roncati stated: Close to 9 feet.

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Mr. Jovishoff questioned: If you are entering at the skybridge you can access the building only through the stairs or elevator.

Mr. Roncati stated: Only the elevator. The stairs are at the end of the building.

Mr. Jovishoff questioned: If the elevator is out there is no access from here?

Mr. Roncati stated: You would have to go down to grade and use the fire stairs.

Mr. Jovishoff asked as to the trash disposal.

Mr. Roncati stated: There are no chutes. They were going to arrange for a trash pick up by the janitorial staff who would then take the trash to the loading area. Management will put in a cart and wheel it to dump.

Vice Chairwoman Cooney questioned: Where does the resident put it?

Mr. Roncati stated: They can put it out in the corridor between two specified times or they can walk it to the trash themselves.

Mr. Jovishoff questioned: Will you comply with all COAH standards?

Mr. Roncati stated: Yes, we had a COAH consultant work with us on this.

Mr. Jovishoff asked about the HVAC units.

Mr. Roncati stated: They are on the roof in two different locations. They will not be visible from the ground.

Mr. Jovishoff asked as to the lighting under the building.

Mr. Roncati stated: The building is elevated and goes from 14 feet to 25 feet. We will make sure the fixture type brings light down vertically.

Mr. Jovishoff asked as to the material and color of the building.

Mr. Roncati stated: It will be stucco with panel on the towers and throughout the façade to match Executive Drive One.

Mr. Forshner stated: I believe you need a better methodology for the refuge in the hallway. That could be a big problem.

Mr. Kienz stated: I do not believe it is compliant with the COAH requirements to leave the trash in the hallway.

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Vice Chairwoman Cooney questioned: Can't you have a garbage chute somewhere?

Mr. Jovishoff stated: I don't think we have ever had an application without a trash area and especially not for affordable housing units.

Mr. Roncati stated: I just spoke with the engineer. I can push the wall back; I will not trigger any variances and I can fit a 5'x5' room where we can put the trash chute through and it happens to be the closest corner to the loading dock.

Ms. Kative questioned: If everything is electric, won't their electric bill be higher than the rent.

Mr. Roncati stated: Not with today's equipment.

Councilman Sargenti questioned if there would be a generator.

Mr. Roncati stated: We do not have an answer yet, but it would be located in the parking structure if we were to put one in and it will be screened.

Mr. Kienz questioned: Is there space for recycling in the trash room?

Mr. Roncati stated: Yes.

Mr. Kienz questioned if there was signage proposed.

Mr. Roncati stated: We will have signage, but we do not know where yet.

Mr. Kienz stated: Get the signage packets done before we vote to memorialize.

Louis Luglio, of Sam Schwartz Transportation Consultants, was sworn in as a traffic engineer.

Mr. Luglio stated: Executive Drive connects to Route 4. We will be going to the NJDOT with a Letter of No Interest, since this project is a low generator of traffic as far as traffic is concerned based on the number of residential units. It is expected that there will be 8 vehicles in the am peak hours and 18 at the pm peak hours. The number could go as high as 20 or 24 based off of the building peak hours and not the traffic peak hours. The garage structure has an access height of 13 ½ to 14 feet. There are tractor trailers that travel there now and that will continue through the project itself. A ladder truck would clear through although I am not saying it would position itself there. The ambulance could make it to the rear as well. There is a tremendous amount of overall parking there. There is some parking at grade level but the most parking will be in the structure. The number of parking spaces from an affordable standpoint it less than market rate. In Neglia's report they question the maneuvering for some of the spots and we will provide turning templates for these, but we are sure they are accessible. The sign package that we will provide will be directional.

Mr. Jovishoff questioned if the spaces will be assigned.

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Mr. Luglio stated he did not have information on assigned parking.

Vice Chairwoman Cooney questioned: There are 24 ADA spaces currently, are you increasing that number?

Mr. Luglio stated no.

Vice Chairwoman Cooney questioned: How far away are these spaces?

Mr. Luglio stated: There are enough ADA in the structure, but we can put 2 under the building.

Mr Kienz questioned: I think you must do better on the parking as far and the plan is concerned. How many do you need for tonight's application?

Mr. Jovishoff stated: I do not know if Affordable overrides RSIS. They would need 77 spaces under the RSIS.

Mr. Kienz stated: The spots should be designated to people living there.

Mr. Luglio stated: There are 400 more spots than necessary. We will designate 40 spots, one per unit.

Ms. Lamake stated they would make this a condition of approval.

Mr. Kaplan questioned: What is the difference between the market rate and COAH parking calculations?

Mr. Luglio stated: For this size application it would be negligible.

Ms. Tiberi questioned: How would a large truck turn and get out of the area.

Mr. Luglio stated: They go through the building to the loading dock area and do an k-turn. It happens many times throughout the day.

Ms. Tiberi questioned: 13'6" is the posted clearance on the garage?

Mr. Luglio stated: Yes, but it is a little higher.

Mr. Marshall questioned there are 24 spots overall in parking for what size?

Vice Chairwoman Cooney stated: Plus, two more.

Mr. Luglio stated: The 24 is for the whole project on Two Executive Drive and yes, we will add two more.

Mr. Kienz stated: So the variances that you are seeking are for primary building access, minimum size

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parking stalls, over 10-family residence depressed curb and minimum number of loading spaces. Plus, the two for frontage on the public street.

Mr. Kienz questioned: Where will your loading and unloading be?

Mr. Roncati stated: Where Two Executive Drive loads and unloads. They will unload there and push it to the building.

Mr. Jovishoff questioned if there were any easements required and if they would be provided.

Mr. Kienz stated: Yes, I will review along with yourself and Boswell. Please put together an easement package.

Mr. Pohan questioned: Can all of these changes be written into the resolution or do we need to see them first?

Mr. Kienz stated: They will make the changes and provide them to the Board professionals for review before we memorialize the resolution.

Ms. Lamake stated: Yes, that will all be done.

A motion was made by Mr. Pohan, seconded by Ms. Kative, and passed on a vote of 9 to 0 by members Pohan, Marshall, LaMastro, Ferris, Suh, Sargenti, Forshner, Kative and Cooney, to approve the to approve the application for Preliminary & Final Major Site Plan approval of a Five Story Multi-Family Residential Development of Forty Affordable Housing Units.

**DOCKET #3-19 PALISADE CENTER MALL
1627-1633 PALISADE AVENUE
BLOCK 7056, LOTS 7 & 8
AMENDED PRELIMINARY & FINAL MAJOR SITE PLAN – EXPANSION OF SECOND
FLOOR OVER THE GARAGE**

Mr. Carmel stated: I submitted a letter with the application packet describing the reason for the relief we are requesting.

Vice Chairwoman Cooney questioned: Can you explain the rational of building the building not approved before coming to this Board?

Mr. Carmel stated: The contractor did this with out advising my client, the applicant.

Vice Chairwoman Cooney questioned: Your client did not see the structure being built?

Mr. Kienz stated: Now that the Chair has let you know up front their issue lets get your Architect up to explain.

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Conrad Roncati of Architectura was sworn in as an architect.

Mr. Roncati stated: What we are proposing is a small expansion in three directions. WE received approval for a two-story structure. For the film storage that my client wants, he needed more room. The confusion with the construction was that he thought going forward in between the buildings would not trigger additional variances so he did that expansion. He did not go to the north or south. Of course, nothing would have been acceptable for him to do but he thought since there were no variances being triggered, he could do this.

Vice Chairwoman Cooney questioned: When your client went to get permits, were they the plans he worked off of.

Mr. Roncati stated: No, they were not stamped plans.

Vice Chairwoman Cooney stated: We are tired of people doing whatever they want. We will of course hear the applicant. I as the Chair, not the Board, feel that we need to send a strong message. I feel people think we are a joke and Councilman Sargenti please take that back to the Governing Body.

Councilman Sargenti questioned: Why did you stop building?

Mr. Roncati stated: He thought there were no variances need to do between the buildings, so he did that. The north and south he knew there would be variances.

Councilman Sargenti questioned: The 4 ft. eve was built, did the Construction Official go to the site?

Mr. Roncati stated: Yes, they called and said that they applicant was not in compliance and the work stopped,

Mr. Kienz stated: The Board is itching to give questions. The Chair and Councilman set the tone. I want to caution the Board. We have to focus on the plans here tonight and not what is on site. If you like the what you see, and it meets the zoning then you can vote to approve otherwise you can take other action if you like.

Mr. Pohan questioned: They don't have to come here with clean hands?

Mr. Kienz stated: No but let's hear what they have to say and follow your normal process. It is the right thing to do.

Ms. Kective questioned: This is the second application in two months that were done before we heard it. Why are we here?

Mr. Kienz stated: Your job is to review plans before you make a decision.

Mr. Jovishoff stated: No variances for the overhang is not true. There is a variance for distance between the principal structure and accessory structure which was reduced.

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Mr. Kienz stated: If the Board was to rule that the use does not constitute as a accessory use but as a different use it would then be a principle use and would be more severe. Mr. Jovishoff please let us know which this is.

Ms. Tiberi stated: With he expansion 17 versus 20 spots were given. There is also a new parking variance needed. It is going to exacerbate the requirement.

Mr. Roncati stated: The professionals are correct. The applicant did not think there were variances associate with the overhang but there are. The site is simple, the driveway is a one way down on the south side, you wrap around the building and it is a one way out on the north side. 17 spaces remain, which were approved. In the current proposal there is a 1 space expansion to the north and south and 4 feet to the front. The architectural plans were submitted to the Board and are dated January 16, 2019. I will mark **Sheet A201 as Exhibit A1** because I added highlighter to show the expanded area. The height

remains the same. We are adding an overhang. The stairs come right up into the room. There is no additional room, just open space. The applicant brought some of his posters for you to see the size. They must lay flat. This use is solely for storage and archival purposes. There will be no additional traffic for the public to visit. There would only be people for archival reasons.

Mr. LaMastro questioned: The height proposed is 28.15 feet. You are exceeding the ordinance over 10%. If I went to the site, isn't it that tall already?

Mr. Roncati stated: Yes, but we received that variance in the last application.

Mr. Jovishoff stated: The height for an assessor structure does not apply. If it is a principal structure, then the height is measured and if it is 10% more it would be a "D" variance.

Mr. Kienz stated: As a principal structure they have to 30 feet.

Mr. Roncati stated: The proposed overhang reduces the width between the buildings from 24 feet to 20 feet. There is a 9'6" clearance to the underside. There is room to move on the site, but it would never take larger trucks. An ambulance could circulate. There is a 24-foot isle that is still maintained. It is only one-way traffic. They need the space for backing up and maneuvering.

Vice Chairwoman Cooney questioned: Is the first floor all garages?

Mr. Roncati stated: Yes, there are six garage doors. There is the same one extra space on either side but now it has the overhang above. The structure is block and masonry on the first floor with wood frame on the front and top. The building will be fully compressed.

Mr. Carmel questioned: What is in the rear yard.

Mr. Roncati stated: A parking lot, parking deck and retail stores.

Mr. Carmel questioned: Is there an elevation difference and is anything abutting the rear wall?

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Mr. Roncati stated: Yes, we are higher and there is nothing abutting us.

Mr. Ferris questioned: Can you reconfirm that the overhang is 9'6" above grade? Our professionals say it is 8' and smaller cars and trucks may hit a post or overhang.

Mr. Roncati stated: We will maintain a 9'6" height at minimum.

Mr. Jovishoff stated: the 8' is from the plans. Please address that when you submit revised plans.

Councilman Sargenti questioned: What about the drainage?

Mr. Roncati stated: There is no change in impervious coverage, and we have a flat roof. There will be no change.

Councilman Sargenti questioned: What is the largest size vehicle you can accommodate?

Mr. Roncati stated: A small box truck. An ambulance can get around.

Mr. Pohan questioned: 17 spaces were given on the last plan when 20 were required. The new plan you are giving us 17 and 22 are required, correct?

Mr. Roncati stated: The second floor increases by 708 square feet, so 20 spaces goes to 22 spaces. The use of the second floor is going to be a long-time archive storage. There is no actual increase in traffic for the parking requirement.

Mr. Pohan questioned: The main building is not increasing?

Mr. Roncati stated: Not at all.

Mr. Kienz questioned: What is going into the dry-cleaning space.

Mr. Carmel stated: Tailoring and Alteration and next door is a tile store.

Ms. Tiberi questioned: There is a height restriction in the rear with the overhang. How are you advising vehicles of that before they get to the back?

Mr. Roncati stated: We can put a 2-foot blade sign with the height.

Ms. Kative questioned: Is there heating and a/c on the second floor only?

Mr. Roncati stated: Yes.

Ms. Kative questioned: Are there walls between each of the garages?

Mr. Roncati stated: No.

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Mr. LaMastro questioned: The upper floor would be strictly for film history would be acceptable as a condition if approved?

Mr. Carmel stated: Yes.

Mr. LaMastro questioned: Will other people be going up there?

Mr. Carmel stated: No, he has storage in Paterson, Missouri and California. He wants to bring everything here. People may come to do research, but it will not be open to the public.

Ms. Kative questioned: Will there be a bathroom here?

Mr. Roncati stated: No, there will be none in the back building.

Councilman Sargenti questioned: Will there be a sprinkler system throughout both buildings?

Mr. Roncati stated: Yes.

Konstantinos Spanoudis, the applicant was sworn in.

Mr. Spanoudis stated: This idea developed over the past year or two between myself, Tom Meyers and Richard. They wanted me to open an exhibit to show everyone, but I do not want to do that. This is my hobby and passion. I have a job and do not have time to do this full time. We then came up with the idea to use this as storage for my posters since my family will not be using it to store dry cleaning supplies. It costs me money to store these posters other places. Tom Meyers has seen a small part of my collection. I have been collecting since the late 80's. These are the posters that sold the film in the theaters. They are dramatic and full of color. I have the only 24-sheet poster for the Fort Lee film. I also have 6 sheet posters and three sheets posters. The majority of these posters are large, and have not all survived. I have to send them out to be restored. My collection contains the 24-sheet, 60 3-sheets, 25 6-sheets and over 100 one-sheets.

Vice Chairwoman Cooney stated: We understand. This is your passion and that room will be used to house your passion.

Mr. Spanoudis stated: Yes, that is correct.

Mr. Forshner questioned: Aren't the out of town spaces for the archival climate controlled and light controlled? Wouldn't it be safer there?

Mr. Spanoudis stated: They will be fine here.

Ms. Kative questioned: How are they preserved?

Mr. Spanoudis stated: They must lay flat.

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Mr. Pohan questioned: You are going to sprinklers this area with these posters here?

Mr. Spanoudis stated: I will sit down and discuss this with Mr. Curry.

Mr. Spanoudis showed the Board the posters he had brought to the meeting so they could see the size and look.

Mr. Spanoudis went on to say: I have to apologize. I stopped the project after I realized what I had done. It was a mistake. I was leading with my heart not my head. There was no sneakiness intended.

Vice Chairwoman Cooney stated: Understood.

Tom Meyers, Film Commission Executive Director and Head of the Cultural and Heritage Affairs for the Borough of Fort Lee, was sworn in.

Mr. Meyers stated: The applicant came to us about a decade ago. We hooked him up with a Fort Lee film person so that he could buy posters. The benefit to us is that we can hand pick what we want to display in the Barrymore Film Center from his collection. We will be able to display things in our home from our home. I want to thank him for allowing us to display these to the public.

Mr. Jovishoff stated: An assessor use is accessory to the principle use. This is a principle use and an art gallery. The variances would change but parking would be the same requirement. The height would now comply with this being a principle use. There would still be side and rear variances but no distance between the structures as a variance.

Mr. Kienz stated: By changing to a principle use, it reduces the variances and there are no new variances. Any change in occupancy would require a new site plan approval. There is no public advertising allowed.

Mr. LaMastro stated: I commend the applicant for allowing the Borough to use and benefit from his collection, but I think the Board must do something about all of the applicants coming to us after they have done what they are requesting.

A motion was made by Ms. Kative, seconded by Mr. Forshner, and passed on a vote of 9 to 0 by members Pohan, Marshall, LaMastro, Ferris, Suh, Sargenti, Forshner, Kative and Cooney, to approve the to approve the application for Amended Preliminary & Final Major Site Plan approval of an Expansion of the Second Floor Over the Garage.

Vice Chairwoman Cooney stated: I wanted to bring up that Legal Counsel was recognized as a Super Lawyer of New Jersey for his specialization in Zoning. Congratulations.

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ADJOURNMENT

A motion was made by Councilman Sargenti, seconded by Mr. Ferris, and passed without objection to adjourn this meeting at 10:40 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti

Recording Secretary