

FORT LEE PLANNING BOARD
MAY 13, 2019

PRESENT: M. Marshall, L. LaMastro, R. Ferris, B. Suh, J. Cooney, M. Sargenti, N. Forshner, M. Kaplan, H. Greenberg.

ABSENT: A. Pohan, R. Kative.

ALSO PRESENT: Lewis Karp, Esq., Board Attorney; Michael Jovishoff of Phillips, Preiss, Grygiel, Leheny, Hughes LLC.

NOTICE OF MEETING:

Chairman Greenberg 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 – APRIL 8, 2019:

Ms. Cooney & Mr. Kaplan noted four areas of the minutes to be amended.

A motion was made by Mr. LaMastro, seconded by Mr. Ferris and passed on a vote of 8 to 0 by members Marshall, LaMastro, Ferris, Suh, Cooney, Sargenti, Forshner and Kaplan, to approve the minutes of the meeting for April 8, 2019 as amended. Chairman Greenberg abstained from the vote.

MEMORIALIZATIONS:

**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**

A motion was made by Mr. Marshall, seconded by Ms. Cooney, and passed on a vote of 7 to 0 by members Marshall, LaMastro, Ferris, Suh, Cooney, Sargenti and Forshner, to approve the Memorialization for the Resolution of Approval for Preliminary & Final Major Site Plan - Five (5) Story Multi-Family Residential Development Consisting of Forty (40) Affordable Housing Units.

FORT LEE PLANNING BOARD
May 13, 2019

**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

A motion was made by Ms. Cooney, seconded by Mr. Forshner, and passed on a vote of 7 to 0 by members Marshall, LaMastro, Ferris, Suh, Cooney, Sargenti and Forshner, to approve the Memorialization for the Resolution of Approval for Amended Preliminary & Final Major Site Plan – Expansion of Second Floor Over the Garage.

ACCEPTANCE/COMPLETENESS:

**DOCKET #4-19 1616 BERGEN LLC
1616 BERGEN BOULEVARD
BLOCK 3452, LOT 3.01
MINOR SITE PLAN – SIGNAGE – SIX (6) BLADE SIGNS**

Chairman Greenberg advised: This is for the acceptance for review of an application by 1616 Bergen LLC for property located at 1616 Bergen Boulevard, for minor site plan approval. The acceptance for review by this board will acknowledge that the application has also been deemed complete. Jason R. Tuvel, Esq. is representing the applicant.

Mr. Tuvel stated: This is an amendment to the previous application to add signage. The zoning officer wanted us to come back to the Board. We have no problem complying with Mr. Jovishoff's memorandum. Everything will be submitted more than ten days before the hearing date of June 24, 2019.

Mr. Jovishoff recommended that the application be deemed complete pending submission of the agreed upon items and documents.

Mr. LaMastro questioned: The taxes are not paid for the month of May. Do they have to be up to date for us to hear them?

Mr. Tuvel stated: We will make sure they are paid before the public hearing on June 24, 2019.

Councilman Sargenti questioned: Why are the signs that you are seeking approval for already up? They are not supposed to be up.

Mr. Tuvel stated: You are absolutely right. When they were originally approved, they were approved for a certain number of square feet for signage. The applicant did not use all that square footage so he thought that this could make up for that deficit. He thought it was permitted.

Councilman Sargenti stated: If they have to think about it, they should call the office.

Mr. Tuvel stated: I understand.

Mr. Forshner questioned: This is the third time in three meetings where the work was done before they came before us for approval. Is there anything we can do to modify the zoning requirements in order to fix this?

Mr. Jovishoff stated: No, the zoning code is clear. I understand Mr. Tuvel's explanation but there is nothing more that can be put in. It says if you want to do any development within the Borough you need to see the zoning officer for what is needed.

Chairman Greenberg stated: It is an enforcement issue.

Mr. Forshner stated: What the zoning officer says is go get approval from the Board. What they are doing is not terrible, so we approve it. Then everyone gets away with it and continue to do it.

Chairman Greenberg stated: Then we send the code official; he gives them a violation and they may not do it again. We are not an enforcement agency.

Mr. Tuvel stated: They don't do this every day like we do. It was a mistake.

Mr. Ferris stated: We can vote down the application, which we probably should have done for the previous two applications.

Chairman Greenberg stated: That's the choice of the Board but if they comply with the zoning laws it is hard to knock them down.

Mr. LaMastro questioned: Since this is the third time this has happened, can we have a policy to postpone the hearing for thirty days to work it out or have it taken down and then they can come before us?

Chairman Greenberg stated: We cannot tell them to take it down. We can make a recommendation for that to be done. We could also ask the Sign & Façade Committee to let the applicant know to not put up any additional signage without getting approval. Maybe Councilman Sargenti can speak with the Council.

Councilman Sargenti stated: I will speak with the Council when we meet next.

Ms. Cooney stated: At each juncture that this occurred, we always hear we made a mistake. I struggle with the mistake, but I will struggle even more if the same attorney came back and said the same thing again.

Chairman Greenberg stated: Please do not let this happen again.

Mr. Tuvel stated: Understood.

Mr. Jovishoff stated: Chairman, as your Planner, I can accept a call from any applicant to give information.

FORT LEE PLANNING BOARD

May 13, 2019

Page 4

Chairman Greenberg stated: We need to get this passed around before they make these mistakes.

Ms. Trentacosti stated: I will have a discussion with Mr. Jovishoff about how to get the word out to everyone before this happens.

Mr. LaMastro questioned: What is our policy going to be?

Chairman Greenberg stated: The code official has to enforce it. We cannot. You need to call the zoning officer.

Mr. Marshall questioned: Why do we have to hear them?

Chairman Greenberg stated: We can say something to them when they come here. We can tell them we are talking about it with the code official and they will have to come back. He could possibly even put a violation on it.

A motion was made by Mr. Ferris, seconded by Mr. Marshall, and passed on a vote of 9 to 0 by members Marshall, LaMastro, Ferris, Suh, Cooney, Sargenti, Forshner, Kaplan and Greenberg, 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.

REFERRAL FROM THE GOVERNING BODY:

Chairman Greenberg advised: This matter pertains to a Resolution of the Borough Council of the Borough of Fort Lee authorizing and directing the Planning Board of the Borough of Fort Lee to examine whether certain lands, in particular, Block 6155, Lot 2, located at 2143 Hudson Terrace in the Borough of Fort Lee, New Jersey, should be determined to be an Area in Need of Rehabilitation, pursuant to N.J.S.A. 40A:12A-1 et seq.

Mr. Jovishoff stated: This property adjoins 2100 North Central Road, it is part of the same block. It was a motel. We were asked by this Board to do the study on 2100 North Central Road to see if that met the criteria for an area in need of rehabilitation. It did meet the criteria and the Mayor and Council then designated it as an area in need of rehabilitation. The Zoning Board had an application before them for 2100 North Central Road along with 2143 Hudson Terrace. It was approved for residential units. They are now coming back and would like the second lot also designated as a rehabilitation area. If you wish we could amend the previous rehabilitation study and the Board can approve the amended rehabilitation study, if it meets the criteria.

Chairman Greenberg questioned: So, we have to direct you to examine them?

Mr. Jovishoff stated: Yes, that is correct.

Ms. Cooney inquired: The 2100 North Central Road rehabilitation study came before us?

Mr. Jovishoff stated: Yes, it did.

FORT LEE PLANNING BOARD

May 13, 2019

Page 5

A motion was made by Mr. Kaplan, seconded by Mr. Ferris, and passed on a vote of 9 to 0 by members Marshall, LaMastro, Ferris, Suh, Cooney, Sargenti, Forshner, Kaplan and Greenberg, to direct Mr. Jovishoff to prepare an amended study as to whether or not these properties, 2100 North Central Road

and 2143 Hudson Terrace, meet the criteria to be considered an area in need of rehabilitation.

NEW BUSINESS:

Chairman Greenberg advised: This matter pertains to a letter from Stuart Z. Koperwies, Executive Director of the Business District Alliance, requesting that the zoning laws along Main Street and surrounding areas in the Improvement District be reviewed and revised.

Mr. Jovishoff stated: I spoke with Stuart Koperwies about his concerns. He would like to see more enhanced development in the downtown area. He wants to increase the intensity of the development and density of the C-1 zone. He would like to add to the permitted uses, such as therapy offices and medical offices. He wants it to look more like the downtown of Jersey City.

Chairman Greenberg questioned: Aren't those uses permitted there now?

Mr. Jovishoff stated: No, the uses are specific. Our office is prepared to do a zoning review of the area. In 2010-2011 we reviewed the ordinances. In 2012 and 2014 we reviewed alternate parking requirements and did additional work on the ordinances.

Ms. Cooney questioned: Can we intensely look at one specific area?

Mr. Jovishoff stated: Yes, this will be Main Street from Lemoine to Center Avenue. I want to sit with Mr. Koperwies and speak with him

Chairman Greenberg stated: I believe that Palisade Avenue down should be included as well.

Mr. Jovishoff stated: We can do that.

A motion was made by Mr. Marshall, seconded by Mr. LaMastro, and passed on a vote of 9 to 0 by members Marshall, LaMastro, Ferris, Suh, Cooney, Sargenti, Forshner, Kaplan and Greenberg, to direct Mr. Jovishoff to review the zoning laws along Main Street.

ADJOURNMENT

A motion was made by Mr. Forshner, seconded by Councilman Sargenti, and passed without objection to adjourn this meeting at 8:12 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti

Recording Secretary