

FORT LEE PLANNING BOARD
FEBRUARY 7, 2022

PRESENT: A. Pohan, R. Ferris, B. Suh, M. Sargenti, N. Forshner, R. Kative, M. Kaplan, H. Greenberg, J. Cooney.

ABSENT: M. Marshall.

ALSO PRESENT: Glenn Kienz, Esq., Board Attorney; Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes LLC; Alvaro Gonzalez of Boswell Engineering.

The meeting was held remotely, by means of communication equipment. The foregoing Electronic Public Meeting is recommended due to the current situation involving COVID-19 Virus and directives of State and County governments. The meeting was conducted using the Zoom operating system.

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 November 22, 2021 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2022. 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. On January 26, 2022, an updated notice with the Zoom Information was published in the Record and Jersey Journal, posted at 309 Main Street and mailed to the RECORD, JERSEY JOURNAL, STAR LEDGER, SPECTRUM, posted on the Borough Web Site and filed with the Borough Clerk. Copies have been mailed to all persons who have prepaid the \$35.00 fee fixed for the year 2022 to cover the cost of mailing.

APPROVAL OF MINUTES – JANUARY 24, 2022:

Mr. Kaplan asked that the word inconspicuous be amended to say conspicuous in two locations.

A motion was made by Mr. Pohan, seconded by Mr. Kaplan, and passed on a vote of 9 to 0 by members Pohan, Ferris, Suh, Sargenti, Forshner, Kative, Kaplan, Greenberg and Cooney, to approve the minutes as amended for the meeting of January 24, 2022.

MEMORIALIZATIONS

DOCKET #5-21 ASCEND NEW JERSEY, LLC
469 WEST STREET
BLOCK 5751, LOT 1

PRELIMINARY & FINAL MAJOR SITE PLAN – MEDICAL CANNABIS DISPENSARY

Mr. Ferris requested a change to page 13, condition number 3, changing the word use to sale.

Vice Chairwoman Cooney requested a minor change to page 5.

FORT LEE PLANNING BOARD

February 7, 2022

Page 2

A motion was made by Mr. Pohan, seconded by Chairman Greenberg, and passed on a vote of 8 to 0 by members Pohan, Ferris, Suh, Sargenti, Forshner, Kative, Kaplan and Cooney, to approve the Memorialization for the Resolution of Approval for Preliminary & Final Major Site Plan – Medical Cannabis Dispensary, as amended.

PUBLIC HEARINGS

DOCKET #4-21 69 MAIN ST. FORT LEE URBAN RENEWAL ASSOCIATES, LLC
69 MAIN STREET
BLOCK 4355, LOT 17

MINOR SITE PLAN - SIGNAGE

Vice Chairwoman Cooney made an announcement of the procedures for the Zoom meeting for the public.

Brian Shemesh, Esq., representing the applicant, stated: We are here on behalf of 69 Main Street. I am sure you are familiar with the Pinnacle building. I would like to place on the record the exhibits.

Exhibit A1 – Scaled Drawing of Sign

Exhibit A2 – Aerial of Site

Exhibit A3 – Photo of the View of Main Street Meeting Hudson Terrace

Mr. Shemesh stated: We are waiving site plan approval, so the Board has jurisdiction on this application. In recent months we received multiple complaints on there being no markings to get into the garage. People miss the garage, pass the building, and try to make a k-turn to get back in. We cannot regulate people's driving and we think we need this marking to get them to slow down to go into the garage. We are seeking variances for maximum sign area, maximum height above grade, exceeding .1 footcandle and hours of sign illumination.

Barbara Ehlen, Beacon Planning, 315 Route 34, Suite 129, Colts Neck, New Jersey, was sworn in as a planner.

Ms. Ehlen stated: This property is located in a multi-family, high-rise zone and has a fifteen story, 142-unit building on it. It fronts on Main Street and Hudson Terrace and is across from a public park. The proposed sign is not visible to the south or the west. If you pass the building you would have to do a k-turn or go all the way down onto the smaller side roads and U-turn left back onto Hudson Terrace. It is a safety concern. The sign height would be 20 feet and be between the second and third levels. This sign will mark the entrance to make it safer. As far as the Master Plan and the Zoning Ordinance, the regulations say to preserve the health and safety of the Borough and safety on highways and roadways. This area threatens vehicle and pedestrian safety. People cannot identify the building; they pass by and try to get back. This falls under A which is to promote the general health, safety and welfare. The variances for the sign area is and height are appropriate for the scale of the building and it is on the second and third floors. The hours of illumination we are seeking a variance for because the residents are coming and going. The building is already constructed so we have the sign where it is to be visible and not go over the lot line. The benefits outweigh the detriments. The Sign and Façade Committee recommended approval.

Vice Chairwoman Cooney questioned: The illumination and spillage, will it affect the residents above?

FORT LEE PLANNING BOARD

February 7, 2022

Page 3

Ms. Ehlen stated: I don't believe so. That is why it was put on the second and third floors because that is the garage. I wouldn't anticipate it would bother them.

Vice Chairwoman Cooney questioned: I understand wanting it on all night, but with our ordinance we ask that it turns off at 11p.m. and on at 8 a.m. Can the sign be dimmed at these times?

Yaakob Stock, GT Signs, 1830 Swathmore Avenue, Lakewood, New Jersey, was sworn in.

Mr. Stock stated: We can make it dimmable.

Mr. Shemesh stated: We will work to make it appropriate at night.

Councilman Sargenti questioned: Who will control it?

Ms. Ehlen stated: It will be on a timer.

Councilman Sargenti questioned: Can you paint the lettering to pick up the illumination?

Ms. Ehlen stated: It is blue with white acrylic lettering and lit.

Councilman Sargenti stated: We always ask for the signs to be shut off at these times. I was thinking more of a safety color.

Mr. Shemesh stated: Commercial uses are different. Identifying for them is less important.

Mr. Kienz questioned: Is there any reason you can't do moon glow? They are doing it all over the state. I believe the professionals can work with that and is a more feasible alternative.

Mr. Stock stated: That is called halo lighting. It is lit behind the letter and is very visible. It takes away the need for dimming.

Mr. Forshner questioned: It looks like the sign is on a utility pole. I believe that is not correct. It is just behind it?

Ms. Ehlen stated: Yes, that is correct.

Mr. Forshner questioned: Won't the utility pole block it?

Mr. Shemesh stated: Because of the uniqueness of the building, it is our best alternative. We don't want to move it up on the building because of the residential units. It is there because it is on the garage level. The sign will be visible further up Main Street before coming down. This represents our best option.

Mr. Forshner stated: It is an uncomfortable location. I have always raised concern over this building. There is no where to turn around for a long while. You do need some signage, so you don't go past the building.

Mr. Kaplan questioned: Is the intensity of the illumination dangerous to drivers? Is there a glare?

FORT LEE PLANNING BOARD

February 7, 2022

Page 4

Mr. Shemesh stated: We believe not.

Ms. Ehlen stated: Not in my experience but we will work with your professionals.

Mr. Kienz stated: My suggestion of the halo lighting covers your question.

Mr. Stock stated: The initial plan has most of the sign in blue and the letters are white, not bright white, just illuminated.

Vice Chairwoman Cooney questioned: If we use the halo effect?

Mr. Stock stated: There is definitely no light shining, just glowing.

Mr. Pohan questioned: We have been pretty steadfast in not allowing the signage to be on at these hours. There is a vacant lot uphill from the Pinnacle. Do we know what is going there?

Mr. Grygiel stated: That is Redevelopment Area 11. There is a plan coming for it. There were prior approvals for residential there.

Mr. Pohan stated: So, there will be residential units next to this which will be on all night.

Mr. Shemesh stated: We will make sure it is not offensive on the off-peak hours. We will speak to the client about the halo lighting and if not, we will of course dim the lights at night. We would just like the ability to work with your team for the adequate design.

Mr. Pohan questioned: Dimming is all well and good but saying there is a safety matter in not knowing where this is and how to turn at night does not hold up. Other than residents, who is going there between 11 p.m. and 6 a.m.? Who doesn't know where their garage is?

Mr. Shemesh stated: There are safety needs residents in the building and may call on a family member late at night

Ms. Ehlen stated: There also may be emergency vehicles needed.

Mr. Pohan questioned: What emergency vehicle in the Borough wouldn't know where this is?

Ms. Ehlen stated: They are used to having a sign there and they could pass it.

Mr. Pohan stated: That is unlikely.

Mr. Shemesh stated: It would be for family members, anyone that wouldn't know.

Vice Chairwoman Cooney stated: I understand, but I take offense to you saying our volunteers wouldn't know where it is. We are looking at the overall picture here and we are in the middle of a Redevelopment Plan right next door.

Mr. Shemesh stated: They would be further back and would not see it.

FORT LEE PLANNING BOARD

February 7, 2022

Page 5

Vice Chairwoman Cooney questioned: What about the spillage?

Mr. Shemesh stated: We would be happy to work with the Board professionals and have it either dimmable or halo effect.

Mr. Grygiel questioned: The halo effect would mitigate the concerns of the Board and there would be no substantial detriment to the new residential. The redevelopment plan may affect the sign, but we don't know that yet. Can I have the exact location of the height?

Mr. Shemesh stated: It is eighteen feet off the ground, and it is three feet by 144 inches, thirty-six square feet.

Mr. Kaplan stated: Perhaps as a condition we could require them to come back if the building is constructed.

Vice Chairwoman Cooney stated: I prefer to do it now. I think we want to make sure it is done with the halo.

Ms. Kotive questioned: Do you intend to come back for another sign on the front door canopy?

Mr. Shemesh stated: No, it is not our intention to come back for any other sign other than what we are seeking this evening.

Ms. Kotive questioned: Are there street numbers on the front of the building?

Mr. Shemesh stated: I don't know the answer to that. I don't know what other signage is currently there.

Mr. Kienz stated: I thought there was a legal requirement to have the building number, but we can make it a condition to put one up and have our planner review it.

Mr. Shemesh stated: We can confirm after this meeting if there is one and where it is located. If there is not one we will put one up and conform with the requirements.

Mr. Kienz stated: I think there is history with this building and there has been a length of time without a new Developer's Agreement. I would request that as a condition it and any other documents be amended.

Mr. Shemesh stated: We are working with the Borough Attorney, Brian Chewcaskie, on amendments and we would be happy to include this and accept as a condition. Also, our client is agreeable to the halo lighting.

Vice Chairwoman Cooney asked for questions from the public.

Vice Chairwoman Cooney asked for comments from the public.

Sam Haikins, Owner, sworn in.

Mr. Haikins stated: Because we do have special needs in this building there are times 911 and other professionals need to come. The sign is helpful not to lose time. Unfortunately, we had someone pass away and although they have care there, every minute counts.

FORT LEE PLANNING BOARD

February 7, 2022

Page 6

Vice Chairwoman Cooney stated: Thank you but trust me they are not going to pass that building. Everyone knows where it is. I rode on the ambulance for thirty years.

Mr. Haikins stated: I don't disagree with the Board. My concern as owner is that I don't want that to hang over my head.

Ms. Kative stated: I would like to motion to approve with the halo lighting and have our professionals look into the address number and making sure it conforms with our ordinance and town guidelines.

Mr. Pohan stated: I am voting no. I do not like the hours and the possible affect on the neighboring properties.

A motion was made by Ms. Kative, seconded by Mr. Kaplan, and passed on a vote of 8 to 1 by members Ferris, Suh, Sargenti, Forshner, Kative, Kaplan, Greenberg and Cooney, to approve the Preliminary and Final Major Site Plan for a Medical Cannabis Dispensary. Mr. Pohan voted to deny the application.

ADJOURNMENT

A motion was made by Ms. Kative, seconded by Councilman Sargenti, and passed without objection to adjourn this meeting at 8:30 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti
Recording Secretary