

FORT LEE PLANNING BOARD
JANUARY 24, 2022

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

ABSENT:

ALSO PRESENT: Louis Karp, Esq., Board Attorney; Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes LLC; Alvaro Gonzalez of Boswell Engineering; Brian Intindola of Neglia 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 14, 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.

Mr. Karp swore in the Board Professionals: Mr. Grygiel, Mr. Gonzalez and Mr. Intindola.

APPROVAL OF MINUTES – JANUARY 10, 2022:

A motion was made by Mr. Ferris, seconded by Mr. Pohan, and passed on a vote of 5 to 0 by members Pohan, Marshall, Ferris, Sargenti and Cooney, to approve the minutes for the meeting of January 10, 2022. Mr. Suh, Mr. Forshner, Ms. Kative and Chairman Greenberg abstained from the vote.

PUBLIC HEARINGS

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

PRELIMINARY & FINAL MAJOR SITE PLAN – MEDICAL CANNABIS DISPENSARY

Vice Chairwoman Cooney spoke about Borough Ordinance Number 2021-14 which established this area.

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

FORT LEE PLANNING BOARD

January 24, 2022

Page 2

Allyson Kasetta, Esq., representing the applicant, stated: We are here seeking preliminary and final major site plan approval. We are renovating the old Staples building to use as a medical cannabis store. We are requesting bulk variances. We filed with the Sign and Façade Committee and received their recommendation and approval.

Michael Conway, 395 Bloomfield Avenue, Montclair, was sworn in as a representative of the Applicant to speak on operations.

Keith Bettencourt, BKA Architects, 142 Crescent Street, Brockton, Massachusetts, was sworn in as an architect.

Ms. Kasetta questioned: What do you do and oversee?

Mr. Conway stated: I run the retail operations for all of the dispensaries in New Jersey such as, selling product, security, deliveries, people management, etc.

Ms. Kasetta questioned: How many years have you been doing this?

Mr. Conway stated: Five years but a year and a half for Ascend.

Ms. Kasetta questioned: What happens when someone walks in?

Mr. Conway stated: Before you can come in you have to work with a doctor in the program and you must get a card to come. Once you get the card you can visit our store. You could come in the right side and check-in in a waiting space. You give the card to the member in the kiosk. The member goes into the portal and can see if someone has an allotment and how much is left in the medical program. Once they verify everything, they can then go to the middle section of the plan which is the sales floor. The patients can order online and pick up at a register. If they are new and have questions, they can talk at the table. The order is sent electronically to the vault. The team in the back then picks the order and there is a one-way pass through. It can only open one side at a time. Once they place the sale through the allotment is automatically taken out and they finish the transaction and leave on the left had side of the plan.

Ms. Kasetta questioned: Can just anyone access the vault?

Mr. Conway stated: No, there are a couple of levels of security before they can get into the vault.

Ms. Kasetta questioned: Is there any product on display on the sales floor?

Mr. Conway stated: No, there is no live product on display only empty packaging.

Ms. Kasetta questioned: Is there onsite consumption allowed?

Mr. Conway stated: No, it is against NJ Medical Marijuana regulations.

Ms. Kasetta questioned: What are your hours of operation and the number of employees?

FORT LEE PLANNING BOARD

January 24, 2022

Page 3

Mr. Conway stated: Our hours are 8 a.m. to 8 p.m. We find we are busiest from 4 p.m. to 6 p.m. There are anywhere from 10-15 team members.

Ms. Kasetta questioned: Do you have any security features?

Mr. Conway stated: We do, every part is under video surveillance and is required by state licensing.

Ms. Kasetta questioned: Can you talk to your deliveries?

Mr. Conway stated: We get them once a week in a small Ford transit van. Other than that, we have regular deliveries from UPS, Fed Ex, USPS, etc.

Ms. Kasetta questioned: How is your trash taken care of?

Mr. Conway stated: Through a private hauler.

Ms. Kasetta questioned: Is there cannabis waste?

Mr. Conway stated: Very infrequently. Everything is factory sealed. In the event something breaks, it is manifested back on our delivery truck and disposed of under surveillance at the regulated location.

Ms. Kasetta questioned: How many Ascends are there in New Jersey and where are they located?

Mr. Conway stated: There are two. One is in Montclair and the other one is in Rochelle Park.

Chairwoman Cooney questioned: What are the team members qualifications and how are they vetted?

Mr. Conway stated: They are hired as you would for retail, and they are vigorously trained. There are seventeen qualifying conditions.

Chairwoman Cooney questioned: No one can come in to buy just to buy?

Mr. Conway stated: No, not at all. To get the card is vigorous.

Ms. Kative stated: Security is my concern. There is a good get away from your facility, and it comes in a truck not an armored truck. That makes me nervous.

Mr. Conway stated: I have been in cannabis for five years and have dealt with locations such as Queens, New York City all the way to Montclair. It is about as locked down as you can be. There are DEA style cages with sensors that are tied to law enforcement. The transit van is indiscrete. There are cameras all around outside and we take the safety of our teams seriously.

Ms. Kative questioned: Do you have panic buttons?

Mr. Conway stated: Yes, and standard operating procedures in case of emergency.

Councilman Sargenti questioned: How long is the card good for?

FORT LEE PLANNING BOARD

January 24, 2022

Page 4

Mr. Conway stated: One year but within that card there is a prescription written by a doctor. It can be written for three months up to three ounces per month.

Councilman Sargenti questioned: There is no paperwork that could be brought to the dispensary?

Mr. Conway stated: In this process to get the card, you have to go into the online program and upload the license, doctors' information so it would all be there. You cannot come to us until you get the card, and you have to have the card to come to us or any dispensary. The purchase then gets taken off the card in real time.

Councilman Sargenti questioned: Is your opening and closing of 8 a.m.-8 p.m. etched in stone?

Mr. Conway stated: Montclair is open 10 a.m. to 8 p.m.

Councilman Sargenti questioned: How do you take delivery?

Mr. Conway stated: Use the similar side as Staples did. The size is small.

Councilman Sargenti questioned: Is it securely getting in the building?

Mr. Conway stated: We have team members to escort them in. Someone must be with the vehicle. Multiple people are there, and it is under surveillance.

Councilman Sargenti questioned: Couldn't you do something like staples where you back in and the door closes, to make it secure. For the cash as well, how many times do you

Mr. Conway stated: Two days and to the need of the business.

Councilman Sargenti questioned: Is it possible to have the overhead door for the receipt of the product?

Mr. Conway stated: We have cameras inside and outside. It is very secure.

Councilman Sargenti questioned: How many people are allowed inside at one time?

Mr. Conway stated: We are trained on triage. If we have five or six team members, we never go more than one to one.

Councilman Sargenti questioned: The Staples had parking on the top deck. Assuming you have it as well, is it shut off to the public?

Mr. Conway stated: We will allow people to come in that way but there is only one walkway. They cannot access anything else and are escorted down.

Mr. Pohan questioned: Do people show up by appointment or is it just whoever walks in?

Mr. Conway stated: You can select a time slot, but we allow walk-ins.

Mr. Kaplan questioned: Can you conspicuously display the Borough's Ordinance?

FORT LEE PLANNING BOARD

January 24, 2022

Page 5

Mr. Conway stated: I don't see why not.

Ms. Kative questioned: Since the dispensary is for sick people, if they cannot pick up, can someone pick up for you?

Mr. Conway stated: Yes, in the portal you can designate a caregiver on the card, and they then get a card and can pick up for you.

Vice Chairwoman Cooney asked for questions from the public.

Guillaume DeDiesbach, 2183 Edwin Avenue, Apt.1, Fort Lee, questioned: I represent a four-person building. I am the President. Our concern is the location with the back of the building being on Edwin Avenue and there are a lot of kids. Would you consider another location?

Vice Chairwoman Cooney stated: This is the municipalities designated area.

Mr. Karp stated: There is a conditional permitted use on this property. I'm sure the applicant considered all other options and chose this. We cannot ask them to look somewhere else. We have to hear this.

Andrea Berardi, 142 Crescent Street, Brockton, Massachusetts, was sworn in a project manager for BKA Architects.

Ms. Kasetta stated: Can you please give us an overview of the design.

Mr. Bettencourt stated: We have the same storefront and cutout as the staples had. It is no bigger and no smaller.

Mr. Bettencourt reviewed the floor plan.

Mr. Bettencourt stated: The vault corridor is on the side. The vault is in a completely interior space. In case someone tried to get through the exterior they would also hit a security wire and it would take time to get through and the cops would get there before. The front façade, we are using metal mesh screen and to not have a plain flat façade, we have a canopy structure and a very small sign. The screens project over the building and screen from view the mechanicals on top. The tallest is 28.3 feet high. There are small LED strips on them for security purposes to help illuminate the front and the sign is illuminated. There is a muted painted version of this on the back. The lighting is remaining the same. We are going to fix the parking lot, restripe and add signage on either side. The pylon sign is not to be illuminated.

Ms. Kasetta questioned: Is the interior of the dispensary ADA compliant?

Mr. Bettencourt stated: Yes.

Vice Chairwoman Cooney questioned: How much space is on the second floor and what is there?

Mr. Bettencourt stated: Mainly just the entrance and small employee spaces.

Councilman Sargenti questioned: Is this going to be a single occupant building?

FORT LEE PLANNING BOARD

January 24, 2022

Page 6

Mr. Bettencourt stated: Yes.

Councilman Sargenti questioned: Is that by state law? Where are your employees parking?

Mr. Bettencourt stated: I am sure. My understanding is the upper level.

Councilman Sargenti questioned: The dark blue door, is that where product and cash go out?

Mr. Bettencourt stated: Yes.

Councilman Sargenti questioned: By Brinks, or a security company?

Mr. Bettencourt stated: I think it is outsourced.

Mr. Conway stated: We use a third-party pickup service with armored guards.

Councilman Sargenti questioned: The type of security you have, does it work outside? Cameras, panic buttons, what else?

Mr. Conway stated: The team members are constantly watching the security cameras and they are trained to handle in house issues. We also make relationships with the police departments. There are no security guards, per say.

Ms. Kative questioned: Is there a special temperature that needs to be maintained?

Mr. Bettencourt stated: Yes, we need drier than normal conditions. We will use the existing units that are there. They are being maintained and will get quieter. We may add one condenser unit and it will be hidden from the street. They don't make noise.

Mr. Pohan questioned: The façade in the front, when does a wall become a sign?

Mr. Grygiel stated: I will confirm but we did not consider it to be a sign.

Vice Chairwoman Cooney questioned: The other dispensaries, do they have the same look?

Mr. Bettencourt stated: It does. We were restricted in Montclair and Rochelle Park but more so what we have in the back of the building.

Ms. Berardi stated: They are multi-tenant buildings.

Mr. Grygiel questioned: While we follow up on signage, can we go over the lighting?

Mr. Bettencourt stated: They are internally illuminated and will have the glow blocked from shining up or down.

Mr. Grygiel questioned: Is there any signage west?

FORT LEE PLANNING BOARD

January 24, 2022

Page 7

Mr. Bettencourt stated: No.

Vice Chairwoman Cooney questioned: How long will the sign stay lit?

Mr. Bettencourt stated: All the time.

Ms. Kasetta stated: The ordinance is ½ hour before and after closing and if the sign is within 150 feet of a residential zone, it needs to be off between the hours of 11p.m. and 6 a.m.

Vice Chairwoman Cooney questioned: Will you comply?

Ms. Kasetta stated: Yes.

Ms. Kative questioned: On the Staples, the red protruded out so you have an overhang. Are you going to have the exiting overhang?

Mr. Bettencourt stated: A new overhang.

Councilman Sargenti questioned: You are using the post sign as well?

Mr. Bettencourt stated: Yes, it is a non-illuminated pylon and we are replacing it.

Vice Chairwoman Cooney asked for questions from the public.

John DiGiacinto, Langan Engineering, 300 Kimball Drive, Parsippany, New Jersey, was sworn in as an engineer.

Mr. DiGiacinto stated: I am looking at the plans dated December 23, 2021, the existing features map. The property fronts on Fletcher and Edwin as well as West Street. It is about .62 acres. The eastern portion of the site is in the C-5 Highway Zone and the Commercial Nodes and Corridor Overlay District. The western portion is in the R-5 Garden Apartment Zone. The conditional use is to not be within 100 feet of a school, and we are not. This building was formerly the Staples. We are doing a few improvements. We are providing paving, restriping, landscaping and lighting improvements. The rear portion we are repaving, restriping and repairing the sidewalk. We will reduce the parking from forty-nine spaces to forty-five spaces due to upgrading the non-conforming parking and ADA issues. We have introduced 650 feet of pervious area. There will be a new pedestrian walk down to the front of the building. We are setting in the dumpster with a no parking area. There will be one space in front for pickup use only. We are adding a stormwater inlet. All existing discharge on the sites stays and we should slightly reduce stormwater runoff. There will be landscape improvements in the front of the site. We are adding eight street trees. There is not lighting impact to the residents or the surrounding streets. The trip generations from the existing facilities will provide a reduction in weekend and weekday trips. We require 80 spaces, but we have 45. There is a wall mounted sign that is projecting 5 feet. There are existing nonconformities. They are all related to the existing site, and we are not making any changes to them. We read the Boswell letter and we agree to comply with the comments.

Mr. Forshner questioned: There is belgian block on the southside of the street and is no where else. Is this the same as throughout the town?

FORT LEE PLANNING BOARD

January 24, 2022

Page 8

Mr. DiGiacinto stated: I believe so.

Mr. Forshner stated: For new businesses I know that we ask that they do that. But I will leave it up to our professionals.

Mr. Kaplan stated: I appreciate that the applicant is increasing the pervious coverage.

Mr. Gonzalez stated: I agree that adding pavers could increase runoff.

Ms. Kative questioned: Can the applicant restrict the parking deck for employees only and customers in the front only?

Mr. DiGiacinto stated: There are twenty-three spaces on the top deck and only ten to fifteen employees. If you restricted them to the top only, you would lose ten customer parking spaces.

Ms. Kative stated: I understand it becomes a hardship.

Mr. Pohan stated: You could require employees to park on the upper deck.

Ms. Kasetta stated: That is fair and was probably their intension.

Mr. Pohan questioned: The trip generation study is based on two other facilities. Are they Ascend and where are they?

Alan Lothian, Langan Engineering, 989 Lennox Drive, Lawrenceville, New Jersey, was sworn in as a traffic engineer.

Mr. Lothian stated: We got it from the Ascend in Massachusetts. It was the best data we had.

Mr. Pohan questioned: What are the size of the towns and are the facilities on the highway or near a junction of several others?

Mr. Lothian stated: I am not sure of the exact locations, but they are in suburban, urban areas.

Ms. Kasetta questioned: When choosing the sites is the size of the facility more important than the size of the town?

Mr. Lothian stated: The building because there is a lot of wasted space. There is good available information from previous studies of other Ascend applications of established facilities.

Mr. Pohan stated: This is a new use and we do not know the utilization a day from now or a year from now. Suppose the parking is inadequate, suppose there is a jam up. There will be difficulties for the neighborhood, the police or the business if we have all guessed wrong as to the number of spaces.

Mr. Lothian stated: There are no more than ten to fifteen employees at a time and because of the one-to-one ratio there could be no more than twenty to twenty-five people at the busiest hour. The worst case would be forty spaces so there would be a five-space overflow.

FORT LEE PLANNING BOARD

January 24, 2022

Page 9

Mr. Pohan questioned: Yes, fifteen can only handle fifteen at a time but twenty to twenty-five trying to get service and then a lot of people waiting around could be a problem. Have you considered a system of appointments in that event? Can the Board keep jurisdiction over the parking until we know?

Mr. Karp stated: You could require valet if the problem becomes regular.

Ms. Kasetta stated: I think it is in the businesses best interest to regulate themselves. They don't want customers having problems.

Mr. Pohan stated: If we could rely on businesses to do that then we would be able to leave things up to businesses all the time.

Mr. Gonzalez questioned: You have two other locations in New Jersey. Would it be more useful and informative to use them as the base of the report? You said one vehicle trip every three minutes.

Mr. Lothian stated: The trip generation is less intense than another retail use. There is one trip every three minutes or so at the peak hour. We are in an urban area also there could be people walking not just driving.

Vice Chairwoman Cooney stated: Yes, but this is brand new for all of us. We should be able to revisit this to make recommendations.

Ms. Kative questioned: Does Mr. Conway know how much time each customer spends in the facility?

Mr. Conway stated: It varies for some but usually six minutes. There are ten people per hour per register. It depends on how many registers are running. Montclair is a walk up with no parking lot. That is why we couldn't use their building. Rochelle Park is in a multi-tenanted building. There are twenty-four registers in the building, but we are using five.

Ms. Kative questioned: Why are there extra registers then?

Mr. Conway stated: For the potential future of the new building.

Mr. Pohan questioned: Can we review this after twelve months?

Councilman Sargenti questioned: Did you do any surveying of people or marketing to see if this was lucrative

Vice Chairwoman Cooney questioned: How are the demographics for Fort Lee?

Mr. Conway stated: I don't have that information.

Ms. Kative stated: Not many towns are allowing this use. I go back to twenty-four registers and twenty-four employees which goes back to parking.

Councilman Sargenti stated: Our police department is not built to move traffic for businesses, and I am not going to overtax the police department

FORT LEE PLANNING BOARD

January 24, 2022

Page 10

Vice Chairwoman Cooney questioned: Is the one to one, the register person as well?

Mr. Conway stated: It depends on the time of day. Sometimes the person is handed off. We could look into offsite parking for employees. We could revisit as well.

Mr. Intindola stated: This is novel for New Jersey, but we know there are some limiting values, one being it is card based only. The design that we are dealing with was probably dictated by the NJDOT year ago and that is why the access is on West Street and has a split design. In its hay day the Staples was fairly busy and this new use, we don't know yet. I believe that because of the limiting values, I don't think we meet regular retail numbers, and our office can check in a year or two for the number counts and report back to the Board.

Councilman Sargenti stated: We have the Linwood Apartments there and there is access to go down onto Route 4. If it is busy and there is traffic going into and out of there, we need some stipulations and we need to revisit it.

Vice Chairwoman Cooney asked for questions from the public.

Guillaume DeDiesbach, 2183 Edwin Avenue, Apt.1, Fort Lee, questioned: For the signage, there is Ascend only on the sign at the other locations. Can you limit the sign to say Ascend instead of Ascend Cannabis at this location as well?

Mr. Conway stated: We are moving our branding to Ascend Cannabis. We are looking it keep it and take away the stigma from the word from a national perspective.

Mr. DeDiesbach questioned: Will Rochelle Park and Montclair have it?

Mr. Conway stated: We are trying to move that way with it.

Vice Chairwoman Cooney questioned: Do you have it at these two locations?

Mr. Conway stated: Not yet, but we are trying.

Mr. Karp stated: There will be a subsequent traffic study six months down the road to our engineer and if our engineer thinks that it needs to come back to us it does.

Mr. Pohan stated: I think twelve months.

Kathryn Gregory, 96 Linwood Plaza, #350, Fort Lee, New Jersey, was sworn in as a Planner.

Ms. Gregory stated: This site is located near a residential area. It is partially in the C-5 Zone and Commercial Nodes and Corridors Overlay District so there is another level of requirements. We require bulk variances and design waivers. The wall sign can project no more than fifteen inches. We proposed a sign on a canopy. The sign itself is small. It is ten square feet, and we are allowed up to thirty-two square feet. It is a lot less than what the Staples had. The parking spaces, eighty are required and forty-five are provided. They are willing to provide a traffic study in a year and what Mr. Intindola's statement is pertinent. Everyone needs a medical marijuana card to shop here. I don't think the site will be overtaxed. They want to be successful and if they outgrow the business they will have to move. This is not for the general population; it

FORT LEE PLANNING BOARD

January 24, 2022

Page 11

is only a specific part. An unloading space is required but we are not providing any. We want to maximize parking. The benefits outweigh the detriment. We also have a horizontal articulation waiver. It is not a sign just unique architecture. We are also seeking a design waiver for street trees where ten are required, none are proposed in the overlay zone. It is in the DOT right of way and there is a sanitary sewer so we cannot put one there. It is a hardship. As for the positive and negative criteria, we are increasing landscaping, fixing the circulation in the front lot, we are taking parking spaces in the front lot that were undersized and noncompliant and making them compliant. We are utilizing the existing building; we are creating a desirable visual environment. As for the negative, there is not substantial detriment to the public good. We are decreasing the nonconforming Staples sign. There are a number of existing nonconformities that exist, and the public are used to. As for Ordinance # 2021-14 which was adopted in August, it says we are a permitted use in the zone if we meet the conditions and we are far enough away from the schools. I believe the variances can be granted and the benefits outweigh the detriments.

Ms. Kative questioned: Does Edgewater allow cannabis sales?

Ms. Gregory stated: Not at the moment.

Mr. Grygiel stated: We included an additional variance for the window signage, but we don't believe it complies. It was not mentioned but we are eliminating that variance. Parking is the most serious of variances here I would say, but the Board already addressed that.

Vice Chairwoman Cooney asked for questions from the public.

Ms. Kasetta stated: Thank you for your time and patience. We appreciate your feedback. We hope we addressed all of your concerns.

Vice Chairwoman Cooney stated: I would like to see the occupancy of the building be only to Ascend on the record.

Mr. Conway stated: Yes, that is also part of the regulations.

Vice Chairwoman Cooney asked for comments from the public.

Frank Puello, 2183 Edwin Avenue, Fort Lee, stated: I am concerned about the children's safety. At 8 am the kids will be in school. Kids will be going to the Middle School. We don't know if they have mental illness or are medicated coming here.

Guillaume DeDiesbach, 2183 Edwin Avenue, Apt.1, Fort Lee, stated: I have the same concern as Frank. There are kids in this building and kids in the neighborhood. As parents we are nervous. They will not be typical patients that have mental issues. We had a petition that 142 people signed. There are other spaces thorough out the Borough of Fort Lee that this can go. The back of Edwin is only families. I think they should reconsider the location. If not, then remove cannabis from the sign.

Mr. Pohan stated: Our feelings of the use and locations are a decision the Governing Body has made, and they made it a use at this location. I have expressed my concern over the parking and move to approve with the twelve-month study, employee parking on upper level.

FORT LEE PLANNING BOARD

January 24, 2022

Page 12

Mr. Karp stated: With the exceptions and design waivers also as well as the other recommendations of the Board

Mr. Pohan stated: Yes.

Councilman Sargenti stated: I think they should open at 9:30a.m./10 a.m.

Mr. Ferris stated: I agree.

Ms. Kative stated: I think you are putting a burden on the patients for patients with appointments.

Councilman Sargenti stated: Right now there are no customers. Children go to school at that time, and they are not established yet.

Mr. Kaplan stated: The applicant also agreed to posting the Ordinance conspicuously in the business.

Ms. Trentacosti stated: I think you should look into the pavers as well. The Borough may be moving away from using them.

Mr. Marshall stated: I disagree with the whole thing. I think it is in the wrong area and attracting kids with their colors and lighting.

Ms. Kasetta stated: I am having trouble with the hours of operation because they are no different than any other business.

Mr. Marshall stated: They are not an ordinary business.

Councilman Sargenti stated: The testimony on the other facility was 10 a.m.

Mr. Conway stated: It is open at 10 a.m. because of the town but I do agree with Ms. Kative for the patients.

Councilman Sargenti stated: I understand but this is a business that is not yet open. If we control it now, they will know.

Mr. Karp stated: The hours are 9 a.m. to 8 p.m. and the applicant can come back in six months and a year to present their case to change the hours.

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

FORT LEE PLANNING BOARD

January 24, 2022

Page 13

ADJOURNMENT

A motion was made by Mr. Pohan, seconded by Councilman Sargenti, and passed without objection to adjourn this meeting at 10:27 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti

Recording Secretary