

FORT LEE PLANNING BOARD
APRIL 10, 2023

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

ABSENT: P. Yoon, H. Greenberg.

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

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 28, 2022 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2023. 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 2023 to cover the cost of mailing.

APPROVAL OF MINUTES – MARCH 13, 2023:

A motion was made by Mr. Pohan, seconded by Mr. Ferris, and passed on a vote of 8 to 0 by members Pohan, Marshall, Ferris, Suh, Sargenti, Kative, Kaplan and Cooney, to approve the minutes for the meeting of March 13, 2023. Mr. Forshner abstained from the vote.

PUBLIC HEARINGS:

**FORT LEE SENIOR HOUSING PROJECT
326 GUNTZER STREET & 309 & 319 MAIN STREET
BLOCK 4651, LOTS 6, 7.01 & 7.02
MINOR SUBDIVISION & COURTESY REVIEW**

Mr. Gonzalez, Boswell Engineering, recused himself from the application and stepped down from the dais. Ms. Kative recused herself from the application and stepped down from the dais.

Brian Chewcaskie, Esq. stated: I am here on behalf of the Borough of Fort Lee. I have provided the affidavit of service. We are here for two actions. The first is the public hearing for the subdivision of the property. The other is for the senior housing project funding and courtesy review. I had phone calls with the surrounding properties today. The Mayor has instructed me to let you know that he will be scheduling a town hall with the professionals, and he will be inviting the surrounding buildings to address those concerns. There is no formal review for the courtesy review. The Mayor wants to set up a town hall meeting to alleviate some of the concerns. The town hall will occur probably before the end of the month.

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Mr. Chewcaskie stated: The subdivision is for the properties of 309 & 319 Main Street and 326 Guntzer Street. The subdivision is to accommodate the senior center and affordable housing. There was a subdivision done in 2019 that was done incorrectly. We have the minor subdivision plan that was dated December 2, 2022 and revised March 16, 2023 to address the concerns in the completeness memorandum.

Jeffrey Morris, Boswell Engineering, 330 Phillips Avenue, was sworn in as a Surveyor, Engineer & Planner.

Mr. Morris stated: This is two lots but functions as two different lots. The Senior Center and Borough Hall and then the land locked lot on Guntzer. We were asked to split the Senior Center from Borough Hall. They will be two functioning lots from Main to Guntzer.

Mr. Chewcaskie questioned: Does the subdivision prepared meet the Ordinances of the Borough?

Mr. Morris stated: Yes.

Mr. Grygiel stated: You are consistent with the report and comments.

Vice Chairwoman Cooney asked for questions from the Board and public.

Ms. Sanders, 2000 Linwood Avenue, Fort Lee questioned: Who owns the property?

Mr. Morris stated: The Borough of Fort Lee owns the entire property.

Mr. Suh recused himself from the application. He said nothing and did not participate. He stepped down from the dais.

Vice Chairwoman Cooney asked for comments from the public.

A motion was made by Mr. Pohan, seconded by Mr. Sargenti, and passed on a vote of 7 to 0 by members Pohan, Marshall, Ferris, Sargenti, Forshner, Kaplan and Cooney, to approve the Minor Subdivision.

Mr. Chewcaskie stated: We are now speaking about the courtesy review. Again, I want to remind you that the Mayor wants to set up a town hall meeting with the professionals and the buildings. The Architect will be there as well.

Lloyd Rosenberg, DMR, 777 Terrace Avenue, Hasbrouck Heights, was sworn in as an Architect.

Mr. Chewcaskie questioned: This project is through the Bergen County Housing Authority which you were hired by and asked to prepare the plans.

Exhibit A1-PR1 shows the front and renderings of the building

Exhibit A2-PR2 shows the rear of the building

Mr. Rosenberg stated: This project is 11-stories and 124 units. It will be all senior housing with a senior center and health department. There will be a lobby and parking on the ground floor, the senior center and health department will be on the second floor and above that will be nine floors of housing consisting of one hundred and twelve 1-bedrooms, eleven 2-bedrooms and one 2-bedroom super apartment. The height of the

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building is one hundred and thirty feet and eight inches, plus or minus.

Mr. Chewcaskie questioned: Was there a traffic study done?

Mr. Rosenberg stated: No.

Mr. Chewcaskie stated: The building is meant to accommodate the existing senior center, the existing health department and the upper nine floors of affordable senior housing.

Mr. Rosenberg stated: **Exhibit A-3 is a site plan that shows where the building will be on the site.** It is only the location of the building. There are two means of egress and ingress, which are Main and Guntzer.

Mr. Chewcaskie questioned: There will be a shared parking agreement between the municipal building and this building?

Mr. Rosenberg stated: Correct.

Vice Chairwoman Cooney questioned: Will the existing parking be eliminated?

Mr. Rosenberg stated: Not eliminated just redone and restriped to one continuous lot.

Mr. Chewcaskie questioned: The Mayor instructed that there will be a meeting with the buildings and that you or someone from your office will be there?

Mr. Rosenberg stated: Correct.

Mr. Chewcaskie stated: I heard the concerns of the buildings and the Borough has no issue.

Mr. Pohan questioned: How many spaces?

Mr. Rosenberg stated: There are one hundred and four spaces with twenty-two under the building and eighty-two spread over the site.

Mr. Pohan questioned: How does it compare the numbers now?

Mr. Rosenberg stated: I am not sure exactly how many there are now.

Mr. Marshall questioned: You have one hundred and twenty-four units but you are only providing one hundred and four spaces. Why less?

Mr. Rosenberg stated: For senior occupancy and other similar projects we have numbers and the formulas are much less.

Mr. Marshall stated: But you still have the health department and others.

Mr. Rosenberg stated: You also have the municipal parking garage.

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Mr. Chewcaskie stated: We have an obligation under the fair share agreement and we would like to incorporate all of these items while maximizing. There is a need for housing for seniors and we are going to great lengths to meet those needs.

Mr. Kienz stated: Part of the requirement is for the Board to find this consistent with the Master Plan. It seems you found it consistent so can you talk to that.

Mr. Grygeil stated: This section is regarding money that is expended so they have to come to the Board for the Planning Board to weigh in on it. They first have to find if it is consistent with the Master Plan and they get to say yes or no. The community facilities are covered in the Master Plan, traffic and circulation if need be, but affordable housing is the main public benefit.

Mr. Kienz stated: This is not a traditional site plan review. It is just what Paul spoke about.

Vice Chairwoman Cooney asked for questions from the Board and public.

Ms. Seri Kutch, 2000 Linwood Avenue, Fort Lee, questioned: No buildings exist in these renderings. Where is my building?

Mr. Rosenberg stated: Our photos do not show the other buildings.

Vice Chairwoman Cooney stated: They show renderings, but they do not show the other buildings.

Mr. Rosenberg stated: We submitted these within the parameters of what is acceptable by the State.

Ms. Kutch questioned: Was there any consideration of the shadow effect on our property?

Mr. Rosenberg stated: I did not testify to that.

Cindy Pirrera, Manager for 2000 Linwood Avenue, Fort Lee, questioned: I would like to know if during this process there was any other site considered?

Mr. Chewcaskie stated: I do not know.

Chong Lee, 2000 Linwood Avenue, 3L, Fort Lee, questioned: The egress on Guntzer & Main Street, what does that mean? Exactly where?

Mr. Rosenberg stated: I am not prepared to discuss traffic. There will be an entrance and exit on both Main Street and Guntzer Street.

Vice Chairwoman Cooney questioned: Is the intent that the existing senior center be removed?

Mr. Rosenberg stated: Yes, so that will clear room and the Health Department will be eliminated for access onto Guntzer.

Mr. Chewcaskie stated: There will be additional details at the town hall meeting.

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Rick Krever, 2000 Linwood Avenue, 5A, Fort Lee, questioned: There are one hundred and four spaces for one hundred and twenty-four units. The Health Department workers have to pay to park and visitors have to pay to park at the municipal lot?

Mr. Chewcaskie stated: There is existing parking on this site and the senior center and if accommodations need to be made we will speak with the Parking Authority.

Cara Landolfi, Esq., of Kates Nussman Ellis Farhi and Earle, LLP, Council for Med South, stated: I spoke with Mr. Chewcaskie earlier and the President of Med. South would like to speak.

Sandy Solomon, 2000 Linwood Avenue, 22A, Fort Lee, stated: I am the current Board President of Med. South. We have grave concerns about having this building in this location. We are worried about shadowing apartments and the pool, privacy, athletic courts and property values. Additional traffic is expected and traffic on Guntzer. The affordable housing is wonderful but the location is horrible. Views matter and sunlight matters.

Lou Discepola, 2000 Linwood Avenue, Fort Lee, questioned: This was done to fulfill the housing requirements but do you consider this a small building?

Mr. Chewcaskie stated: The number was decided to maximize the senior housing credits. As far as sizing, I cannot address that. People may not be aware but in 2021 there was a settlement and this is part of our compliance plan. As I indicated I will get a copy of Ms. Solomon's statement and suggest for those to attend the town hall that can.

Jeffrey Meisner, 2000 Linwood Avenue, 7C, Fort Lee, questioned: Do you know the estimated time of construction?

Mr. Rosenberg stated: I would estimate about twelve to eighteen months.

Mr. Meisner questioned: How do you tackle the construction plan?

Mr. Rosenberg stated: Many projects built are on smaller sites and it is accommodated.

Susan Kohn, 2000 Linwood Avenue, 7W, Fort Lee, questioned: I am wondering about parking and seniors parking far away?

Mr. Kienz stated: I think you will find all of that out at the town hall meeting.

Mr. Chewcaskie stated: This is a Courtesy Review and we noticed for the subdivision, which opened it up to the public but in reality we did not need to do that.

Ms. Kohn stated: It is a courtesy being extended by the by the municipality and you could have eliminated us except for the Master Plan.

Mr. Kienz stated: The Board has gone above and beyond what they need to. This is not for approval this is only for a recommendation.

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Mr. Chewcaskie stated: We are going to have a town hall meeting. We could have had the subdivision and then two months later had the Courtesy Review and then you would not have been noticed. Master Plan consistency is why we are here.

Ventura, 2000 Linwood Avenue, 2A, Fort Lee, questioned: Living in this town and knowing when they put up buildings there is dynamite. Is being so close a danger to our building? Is dynamite being considered?

Mr. Rosenberg stated: There is no basement. I cannot testify to it but probably not.

Mr. Kienz stated: If dynamite has to be used on the site it is highly regulated. We have no idea if they will use it but if they do it will be appropriately taken care of.

Mr. Chewcaskie stated: I have been taking very good notes.

Timy Korn, 2000 Linwood Avenue, Fort Lee, questioned: There are two other buildings in this town. How many senior houses do we need?

Mr. Kienz stated: Fort Lee has an obligation that we spoke about. This is happening all over the state and this is ours.

Mr. Chewcaskie stated: 505 North Avenue is privately owned. Malcom Towers is Fort Lee owned but Fort Lee received no credits because of when this was built. This is part of our obligation.

Edward Thompson, 2000 Linwood Avenue, 19W, Fort Lee, questioned: What is the exact location of the building?

Mr. Rosenberg pointed out the location on the site plan.

Sanders, 2000 Linwood Avenue, 11L, Fort Lee, questioned: Is the garage at street level or underground?

Mr. Rosenberg stated: Street Level.

Sanders questioned: If you have an obligation can't you split it between two locations?

Mr. Chewcaskie stated: I cannot answer that. This was discussed before I became attorney.

Rose, Linwood Avenue, Fort Lee, questioned: Why is this in the heart of Fort Lee?

Mr. Chewcaskie stated: There is a preference for senior buildings to be in a downtown area.

Vice Chairwoman Cooney stated: Thank you for coming out and voicing your concerns. Knowing the Mayor and the Borough Attorney, they are taking this very, very seriously and will listen and take into consideration all of your concerns. Please understand that we are deciding if this is consistent with the Master Plan and nothing else. No one is trying to just pass this through. The Board and myself are available if you would like to discuss this. I will go to the town hall meeting as well.

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Mr. Chewcaskie stated: Administration will be reaching out to the property managers and myself.

Mr. Pohan stated: The Master Plan has a series of objections, and the obligation is not just for senior housing it could be for low income also. The Mayor and Council decided that the senior housing would benefit the town. It is going to create traffic somewhere in town but if this is found to be consistent with the Master Plan I would like a footnote that they will address traffic and density. Mr. Forshner seconded this motion.

A motion was made by Mr. Sargenti, seconded by Mr. Ferris, and passed on a vote of 6 to 1 by members Pohan, Ferris, Sargenti, Forshner, Kaplan and Cooney, to deem this proposed development consistent with the Master Plan. Mr. Marshall voted no.

DOCKET #5-21 & ASCEND NEW JERSEY, LLC

DOCKET #2-22 469 WEST STREET

BLOCK 5751, LOT 1

**AMENDMENT TO RESOLUTION – PRELIMINARY & FINAL MAJOR SITE PLAN –
CANNABIS RETAIL ESTABLISHMNET**

Jason Tuvel, Esq. representing the Applicant stated: This is a very narrow application. Ascend got approved for medical sales and opened in August 2022 and then changed to retail sales in November 2022. When we received medical sales approval, one of the conditions were the hours of operation be 9:00 a.m. to 8:00 p.m. When they came back in November the conditions carried forward. We have been operating since then and have done the first two traffic studies as requested. There are two more studies to be done. Our request is to amend the hours as the applicant is required a certain amount of medical sale hours only throughout the week. The hours that they are seeking are as follows: Monday through Friday 8:00 a.m. to 10:00 a.m. medical only and Monday 9:00 p.m. to 10:00 p.m. medical only. Saturday 8:00 a.m. to 9:00 a.m. medical only and Sunday 8:00 a.m. to 9:00 a.m. medical only.

Mr. Sargenti questioned: When did all of these hours come into effect? You came here twice already so why did we not know then? Are you doing this as a company or is it the State?

Able Horner, General Manager of Fort Lee Ascend, was sworn in.

Mr. Horner stated: The State requires that we offer medical hours every day. It has to be 14-15 hours a week.

Mr. Sargenti questioned: When did the State mandate this?

Mr. Horner stated: We required hours when we opened.

Mr. Sargenti questioned: Why weren't we told this was going to be part of the situation? Rochelle Park hours have not changed.

Mr. Horner stated: We are trying to mirror their hours.

Mr. Sargenti questioned: Their hours are 8:00 p.m. I looked into it.

Mr. Horner stated: They must be going for an extension as well.

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Mr. Forshner questioned: They came in for medical, then they came back in for retail. Why was it not discussed when you came back in for retail?

Mr. Tuvel stated: They've been open and have now had time to analyze the business. The original approval says once the C/O is issued for six months or more we could come back to seek expanded hours.

Vice Chairwoman Cooney questioned: One reason that we said 9:00 a.m. was because of the concern for the school children. Have you noticed a medical increase in demand at that hour?

Mr. Tuvel stated: We've done traffic studies so we can present that, and we have information from the General Manager.

Mr. Horner started: The demand for medical is not high. We are looking for recreational business because we are losing there.

Vice Chairwoman Cooney questioned: Are you trying to mirror those hours because of Rochelle Park? Rochelle Park didn't give you the business perspective of hours? You're coming back again, how do I know you're not coming back again in three months? How many times have you gone back for changes in other locations? Is the Applicant trying to extend the hours in Rochelle Park as well?

Mr. Tuvel stated: The condition allowed for us to come back at this time. It is a new use and everyone is unaccustomed to what could happen here.

Mr. Forshner questioned: Are you mandated to do the hours in the morning?

Mr. Horner started: We are mandated to have a certain amount of hours per week.

Mr. Forshner questioned: So you are choosing these hours?

Mr. Horner started: Yes.

Mr. Sargenti questioned: How many hours do you need per day?

Mr. Horner started: Two hours a day.

Ms. Kative questioned: Can you repeat the hours you are seeking since you did not provide us a chart?

Mr. Horner started: 8:00 a.m. to 10:00 a.m. Monday through Friday for medical. 8:00 a.m. to 9:00 a.m. Saturday through Sunday for medical and Sunday evening and Monday evening 9:00 p.m. to 10:00 p.m.

Vice Chairwoman Cooney stated: You knew about the fifteen hours all along since day one.

Mr. Tuvel stated: This is a fluid process. It is a new use and an evolving business. These hours are helpful to the business and their consumers.

Vice Chairwoman Cooney questioned: If you knew this from the beginning, why not make it a part of your hours then?

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Mr. Tuvel stated: It was medical at first.

Vice Chairwoman Cooney stated: You never told us it was fifteen hours.

Mr. Tuvel stated: You may be right.

Mr. Horner stated: I think we were trying to be good partners in Fort Lee.

Vice Chairwoman Cooney stated: We are good citizens but now you are presenting us with something that was not presented to us. I feel you should lay your cards out on the table. It turns a lot of light on things.

Mr. Tuvel stated: It was not our intention to not disclose the information.

Vice Chairwoman Cooney questioned: When you came for medical you didn't think you would come for retail use?

Mr. Tuvel stated: There was no retail use in the ordinance.

Vice Chairwoman Cooney questioned: But that push came from you?

Mr. Tuvel stated: From both.

Vice Chairwoman Cooney stated: Then when you came back to go to retail you should have told us then about the hours.

Mr. Pohan questioned: Isn't this required medical hours a smoke screen? You just want to add more hours to retail, not medical. Have all of your reports been done that were stipulated to be done?

Mr. Tuvel questioned: Yes, we have done two post traffic reports. December 10th was provided, and March 10th was provided. Our next one is due on June 10th. Our traffic numbers are substantially lower than the reports we provided during the hearing. There were supposed to be forty-five employees at peak sales but you do not require that, correct?

Mr. Horner stated: Yes.

Mr. Pohan questioned: Why do you think we asked for twelve months instead of three to six months? You got through the winter months and you are now getting into the recreational months. Shouldn't we be able to see the twelve months before we make a decision as a Board?

Mr. Kienz questioned: Wouldn't it make more sense to carry this for at least the next traffic review or year before you make the changes?

Mr. Tuvel stated: We thought that since we were open for five months of medical and five months of retail we would come to help the business and because the resolution allows for it.

Vice Chairwoman Cooney stated: I have yet to see any numbers on traffic.

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Mr. Tuvel stated: We submitted them to the Board as requested.

Mr. Pohan questioned: Do you have stats on how the ramp up has been for medical and retail?

Mr. Horner stated: Sales are two to three percent up each week. The ramp up is on retail. Medical has been consistent. It is only about ten percent of sales.

Mr. Kienz stated: Medical is a much smaller percentage of your sales.

Mr. Pohan stated: Yes, and two to three percent up each week and could take off.

Mr. Kaplan questioned: Ascend has many other locations. Are there any other locations with a similar dynamic to Bergen County, with three to five years of business and how it grew?

Mr. Horner stated: I don't know the answer to that but probably Illinois.

Mr. Marshall questioned: Why don't you come back after twelve months with the complete traffic study? I want to see the numbers in black and white.

Mr. Forshner stated: We are asking for the additional traffic studies, but you will still need to make the request. We are not saying we will extend the hours.

Mr. Pohan stated: I wouldn't stop them from presenting testimony, but I will still ask them to come back after the studies.

Mr. Tuvel questioned: Can we carry to July or do you want us after September?

Vice Chairwoman Cooney stated: To September.

Mr. Forshner stated: We asked for four reports and that is what we should get and see the reports.

Mr. Pohan stated: We want hard copies of the traffic reports and of the hours that you are requesting.

Mr. Kienz stated: I think you should withdraw this request and come back with it at the same time you come back for final site plan approval on your prior application.

Vice Chairwoman Cooney asked for questions and comments from the public.

Allen Tse, 2183 Linwood Avenue, Apt. 2, Fort Lee, stated: I was here for the other two applications. As far as traffic is concerned, you have to understand that there is residential in the rear of this property. Your employees are still parked on Edwin. I have young kids and we live there. You have to have appreciation and respect. The extended hours would change the dynamic of the town. I hope you see it would impact us by changing the hours.

Vice Chairwoman Cooney stated: Please look into that because that was definitely not part of the agreement.

Mr. Sargenti stated: I remember you were going to bus people in.

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Mr. Horner stated: Yes, we do.

Mr. Sargenti stated: They should be parking on the upper deck, if anything.

Franklin Puello, 2183 Linwood Avenue, Fort Lee, stated: Our neighbor sold his apartment already and I am planning to also. How they started, they said that it was only going to be medical. Then later they came back and asked for retail and now they are back asking for more hours. In the back there is residential not commercial. If they want twenty-four hours, then they should be in a different location. We have children. Their employees are parking on our side and smoking in their cars and around our neighborhoods. Are they allowed to do that?

Mr. Horner stated: No, they are not. They cannot come to work under the influence either.

Mr. Tuvel stated: We are going to withdraw this request without prejudice.

ADJOURNMENT

A motion was made by Mr. Forshner, seconded by Mr. Sargenti, and passed without objection to adjourn this meeting at 9:49 p.m.

Respectfully submitted,

Christen S. Trentacosti

Christen S. Trentacosti
Recording Secretary