

**FORT LEE PLANNING BOARD**  
**AUGUST 8, 2022**

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

ABSENT: N. Forshner.

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

**NOTICE OF MEETING:**

Chairman Greenberg 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. 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 – JUNE 30, 2022:**

Mr. Pohan stated: There are a few corrections needed. The first is on multiple pages and should be "oversight" not "oversite". The next is on the bottom of page three and should say "marijuana ban" not "marijuana band". The last correction is on page four and should state "change to retail should be just the same as if it was a retail application" not "change to retail should be just the same as it was a medical application".

Vice Chairwoman Cooney stated: I mentioned a spelling error before the meeting on page two as well.

Mr. Kaplan stated: I also believe my words were not conveyed clearly on the top of page three.

A motion was made by Mr. Pohan, seconded by Ms. Cooney, and passed on a vote of 6 to 0 by members Pohan, Ferris, Suh, Cooney, Councilman Sargenti and Kaplan, to approve the minutes as amended for the meeting of June 30, 2022. Mr. Marshall, Ms. Kative and Chairman Greenberg abstained from the vote.

**PUBLIC HEARINGS:**

**DOCKET #1-22      WINIA AMERICA, LLC**  
**222 BRUCE REYNOLDS BOULEVEARD**  
**BLOCK 4751, LOT 1**  
**MINOR SITE PLAN – SIGNAGE**

Chairman Greenberg stated: This application will be carried to the meeting of Monday, September 12, 2022. No further notice is necessary, and time is waived for the Board to act.

**FORT LEE PLANNING BOARD**

**August 8, 2022**

**Page 2**

**REFERRAL FROM THE GOVERNING BODY:**

**ORDINANCE NO. 2022-16**

**“AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 410, ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE (CANNABIS ESTABLISHMENTS)”**

Chairman Greenberg stated: Mr. Grygiel, can you give us a summary please.

Mr. Grygiel stated: Yes, of course. I prepared a memo dated July 18, 2022 regarding Ordinance No. 2022-16 which was introduced by the Mayor and Council on July 7, 2022. The Ordinance has been slightly modified from the previous one. There were only changes in two places. One was in Section 410-96, where subsection D was added to read “All Cannabis Establishments shall obtain site plan approval from the Borough’s Planning Board.”. The other was in Section 410-97 where the wording was modified and concludes with “...may convert its existing license upon the submission of a new application.”. The change is in the wording. As I stated last time, as far as Master Plan consistency is concerned, the Master Plan doesn’t go into detail about it. The last time you found it inconsistent because you felt that it was the Board’s job to review changes from one use to the other. Once again, it is up to you.

Mr. Pohan stated: I would like the section that talks about the Cannabis Retailer converting its existing license a lot better if it said something along the lines of “upon approval of the Planning Board”. Right now it just says “upon the submission of a new application” and applications go to the Borough Clerk.

Chairman Greenberg stated: I agree with you. I had that written down in my notes as well.

Mr. Kienz stated: I think a comma which shall include a site plan application to the Planning Board, will suffice. I do not think we need to carry this another month for this change.

Ms. Cooney stated: The only other change I would make is on the bottom of page five. I would like to add Section 410-97.A., to the end of that so it reads “...requirements set forth in Section 410-96 and 410-97.A.”.

Mr. Kienz stated: That is good too. I think you are just tightening everything up.

Ms. Kative questioned: We approved this location for medical cannabis and then the State said they can be recreational, so this company now wants to come back to us with this and this Ordinance now says they have to come back to us?

Mr. Kienz stated: Yes.

Ms. Kative questioned: But what if we want them to change the building? We can?

Mr. Kienz stated: That would be a bit of a push. This is more about traffic and the additional items that would be going on. Another town is having a meeting on this as we speak. It would be just traffic unless they’re moving something is because of parking being needed, etc.

Councilman Sargenti stated: We will be following up to see what is going on.

## **FORT LEE PLANNING BOARD**

**August 8, 2022**

**Page 3**

Ms. Cooney stated: When we heard this, we said we wanted a traffic study in six months. We can say we want one now if they come back.

Ms. Trentacosti stated: Just to clarify, it is a traffic study after a year not six months.

Ms. Kative questioned: Can we then have them have employees park in the rear?

Councilman Sargenti stated: I believe they said somewhere that they would be transporting employees in.

Mr. Kienz stated: We are here to make sure that this is a safe and appropriate land use in Fort Lee. This is not unlike the application for Burger King that came before you.

Chairman Greenberg questioned: Who will put this together?

Ms. Cooney stated: We can have Chris do a letter like she did last time. We are adding the wording “upon approval of the Planning Board” to 410-97.A. and adding “and 410-97.A.” to the end of 410-98.

Ms. Kative questioned: How does the one-year traffic study work? Do they monitor it once a year?

Mr. Pohan stated: No, only the first year.

Mr. Kaplan questioned: Are we voting to say it is consistent and recommend further amendments?

Mr. Kienz stated: They are not amendments; they are just clarifications.

Ms. Cooney stated: We are saying it is in the best interest of the municipality that they should add the words to the Ordinance. We are strongly suggesting they make the changes to clarify what is being said.

Mr. Kaplan stated: I believe even without these changes it is consistent with the Master Plan.

A motion was made by Ms. Cooney, seconded by Mr. Ferris, and passed on a vote of 9 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney, Sargenti, Kative, Kaplan and Greenberg, to vote that Ordinance 2022-16 is consistent with the Master Plan with the aforementioned clarifications and to have a letter prepared and sent to the Governing Body.

## **NEW BUSINESS**

Ms. Trentacosti stated: I was asked by the Building Department to get your decision about something. We are signing plans for Ascend New Jersey, LLC, 469 West Street, Fort Lee. It is about the location of a sign on the building. Although it is a de minimis change the Building Department wanted to get your decision either way. I have the sign on the plans in either location and will send them with the location that you agree on.

Ms. Cooney questioned: We sat here for weeks, and weeks and we were very specific. Why do you come to us after you do it?

Ms. Trentacosti stated: They have moved a sign that is on the awning of the building from the left of the

**FORT LEE PLANNING BOARD**

**August 8, 2022**

**Page 4**

building to the right. It is the same sign, they just moved it over the door on the right because that will be the entrance door and they thought it made more sense.

Ms. Kative questioned: Is it illuminated?

Ms. Trentacosti stated: I would assume so because it is the only building sign on the building.

Ms. Kative questioned: What are the hours? The location could affect the residents.

Councilman Sargenti stated: I don't think so. There's no one really in front.

Ms. Trentacosti stated: They are the same hours that were approved.

Ms. Kative questioned: Were those people noticed originally?

Ms. Trentacosti stated: Yes.

Chairman Greenberg questioned: Now it is at the location they want it at? Is it done?

Ms. Trentacosti stated: Yes.

Mr. Kienz stated: What they are also willing to do if the Board doesn't think this is minor, they request they keep the sign where it is and submit in the future an application to the Board, but they want to be able to open up.

Ms. Cooney questioned: Does this mean that they need to submit to the Sign Committee again?

Chairman Greenberg questioned: We have to approve or not approve it. I think this is a minor change and we shouldn't bring these people back. Same sign, same lettering, just different location. Does this Board agree with me?

Mr. Marshall stated: I agree.

A motion was made by Councilman Sargenti, seconded by Mr. Kaplan, and passed on a vote of 7 to 2 by members Pohan, Marshall, Ferris, Suh, Sargenti, Kaplan and Greenberg, to vote that the sign location for 469 West Street, Fort Lee, be moved from the left of the awning to the right of the awning without having to submit a new application to the Board. Ms. Cooney and Ms. Kative voted to deny the location change.

**ADJOURNMENT**

A motion was made by Mr. Pohan, seconded by Ms. Kative, and passed without objection to adjourn this meeting at 8:06 p.m.

Respectfully submitted,

*Christen S. Trentacosti*

Christen S. Trentacosti  
Recording Secretary