

**FORT LEE PLANNING BOARD**  
**NOVEMBER 14, 2022**

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

ABSENT: N. Forshner, R. Kative.

ALSO PRESENT: Louis Karp, Esq., Board Attorney, Elizabeth Leheny 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 – OCTOBER 17, 2022:**

Ms. Cooney stated: I spoke with Chris before the meeting about several typos throughout the minutes.

A motion was made by Mr. Pohan, seconded by Mr. Ferris, and passed on a vote of 6 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney and Greenberg, to approve the minutes as amended for the meeting of October 17, 2022, as amended. Mr. Kaplan abstained from the vote.

**MEMORIALIZATIONS:**

**DOCKET #2-22      ASCEND NEW JERSEY, LLC**  
**469 West Street**  
**APPROVED            BLOCK 5751, LOT 1**  
**AMENDED PRELIMINARY SITE PLAN – CANNABIS RETAIL ESTABLISHMENT**

A motion was made by Ms. Cooney, seconded by Mr. Pohan, and passed on a vote of 6 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney and Greenberg, to approve the Memorialization of the Resolution of Amended Preliminary Site Plan Approval for a Cannabis Retail Establishment.

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**PUBLIC HEARINGS:**

**PROPOSED AREA IN NEED OF REDEVELOPMENT**

**2 EXECUTIVE DRIVE, 1 EXECUTIVE DRIVE SOUTH & 1 EXECUTIVE DRIVE NORTH  
BLOCK 6451, LOTS 5.02, 5.03 AND 5.04**

**SHOULD THE STUDY AREA BE DETERMINED TO BE AN AREA IN NEED OF  
REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5 ET. SEQ.**

**STUDY PREPARED BY PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC – DATED:  
SEPTEMBER 2022**

Elizabeth Leheny was sworn in and stated: Christen passed out two handouts. One is the statutory criteria designating an Area in Need of Redevelopment and the second is all images and graphics in the report. Both handouts come directly from the report. I was here in May when you authorized this study to be done. This is for all of Executive Park. You had in the past approved certain projects here and in 2017 you designated a part of the parking area and open space to be an Area in Need of Redevelopment. This area is east of I-95 and Route 4. It is all in the C3 Limited Business Zone. The entire area was developed in the 1980s as Executive Park. Two Executive Drive has 8 acres and a 10-story building. It was all office but recently 6-9 floors were converted to residential. There is a parking area behind. At the top of the cliff, there is a structured parking garage. The office/residential building has been maintained and they have put money into it. It does not need to be redeveloped and that was the same finding in 2017. The parking area and open space still meet Criteria D, as it is poor use of a valuable resource, and Criteria C, as it has been open space for a period of 10 years or more. This is consistent with the findings in 2017 but the one difference is the parking garage. That was good then, but a lot has changed in five years. Lot 5.02 is now half residential, and Lot 5.03 is only residential now. There are a thousand spaces. An office needs more parking than residential. There is no need for all of the parking. Lot 5.03 has parking on site for its residents. This was oversupplied and not brand new, it was built forty years ago. The other issue is Covid. People used the parking for the offices, but people don't go in every day or anymore. We found the parking not being used, a lot of garbage and debris. It is very unused, and it is not serving the function it once did. Lot 5.03 is the southern most property. It is a surface parking for the office building at One Executive Drive North. It fell into disrepair. There is garbage, a dumpster, broken ground. It meets Criteria D, because of its deteriorating conditions. Lot 5.04 is between the two properties. It has a newish building that is in great condition. It is between two areas and can be included in the Redevelopment Area.

Ms. Cooney questioned: If you include that in the redevelopment area, does that mean the potential developer has to come with changes to that building?

Ms. Leheny stated: No, the redevelopment plan would allow for what was there now to be permitted.

Ms. Cooney questioned: Would they be able to latch onto any kind of financial rebates?

Ms. Leheny stated: I am not an expert. I am not sure they can.

Mr. Karp stated: They are only eligible for financial rebates for new construction.

Chairman Greenberg questioned: The 10-story building and 7-story building stay but it is mainly the parking areas we are talking about?

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Ms. Leheny stated: Yes, all the parking areas.

Chairman Greenberg questioned: Do you know the square footage that's to be developed?

Ms. Leheny stated: I do not. There were forty affordable housing units approved on the other designated redevelopment area. If the emergency access can be resolved, we hope to put 60 affordable housing units there. The south lot had 132 units approved there and it would still be in that range if you redeveloped the parking garage. It is conceivable that these parking spots can be converted to residential with part of the parking garage.

Mr. Kaplan questioned: When we approved this study, I asked why it didn't come to fruition the last time. Do we know why?

Ms. Leheny stated: They ran into issues going through the parking garage to get to that lot. They are in the middle of figuring it out. The south lot, I believe, never happened because of Covid, but I do not know.

Mr. Pohan questioned: This lot has a residential building, and you said the inclusion is necessary because they are a part of the other two. What are they doing with it? Are we not including it or not improving it?

Ms. Leheny stated: It is physically attached to the parking garage and also one entity. It is included in the circulation to get to One Executive Drive South, whether it wants to or not.

Mr. Pohan questioned: Does designating it as an area in need suggest that they add floors to this building?

Ms. Leheny stated: The way the plan is to be written will include the building as it is now. If they wanted more floors they would have to go back to the Mayor & Council for an amendment to the plan. The regulations and standards would only allow for what is there now.

Chairman Greenberg stated: They would have to go through the Governing Body to change something and then it would have to come back to us.

Mr. Kaplan questioned: When the sliver of land was approved, one of the factors was that it was supposed to help the Borough with COAH. Is that still a factor?

Ms. Leheny stated: Yes, that is really the goal. These lots would help to meet the settlement.

Chairman Greenberg stated: We are here to make a recommendation to the Council on whether these properties should be deemed an area in need of redevelopment.

A motion was made by Mr. Kaplan, seconded by Mr. Marshall, and passed on a vote of 7 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney, Kaplan and Greenberg, to recommend to the Mayor & Council that 2 Executive Drive, 1 Executive Drive South & 1 Executive Drive North, be deemed an Area in Need of Redevelopment.

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**NEW BUSINESS**

**ADJOURNMENT**

A motion was made by Mr. Marshall, seconded by Ms. Cooney, and passed without objection to adjourn this meeting at 7:53 p.m.

Respectfully submitted,

*Christen S. Trentacosti*

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Recording Secretary