

FORT LEE PLANNING BOARD
AUGUST 9, 2021

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

ABSENT: N. Forshner, M. Kaplan.

ALSO PRESENT: Glenn Kienz, Esq., Board Attorney; P. Grygiel of Phillips Preiss Grygiel Leheny Hughes LLC; M. Tiberi 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 December 14, 2020 this Body, by Resolution, adopted a Schedule of Regular Public Meetings for 2021. 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 2021 to cover the cost of mailing.

APPROVAL OF MINUTES – JULY 12, 2021:

A motion was made by Ms. Cooney, seconded by Mr. Pohan, and passed on a vote of 7 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney, Sargenti and Kative, to approve the minutes for the meeting of July 12, 2021. Chairman Greenberg abstained from the vote.

PUBLIC HEARINGS:

**DOCKET #2-21 PROPERTIES CAS INC.
 2239 JONES ROAD
 BLOCK 5551, LOT 6
MINOR SUBDIVISION – TWO (2) LOTS**

Mr. Macri stated: We are here seeking the Board's permission to subdivide the property in Fort Lee and if approved go to Leonia to subdivide the two properties there.

Steve Collazuol, 1610 Center Avenue, Fort Lee, was sworn in as an engineer and planner.

Mr. Macri questioned: Are these the same plans that were submitted to the Board?

Mr. Collazuol stated: Yes.

Mr. Macri questioned: Can you explain why we are here tonight?

Mr. Collazuol stated: Looking at the Boundary and Topographical Survey, there is currently a one-story brick dwelling on the right side of the property. It is 120 feet across in width, 145 deep on the left side and 150 on the right side. It fronts on Jones Road. At about one third deep, the Borough line cuts through the rear. Most of the building is in Fort Lee and part is in Leonia. The subdivision was created in 1929 in both boroughs and approved back then, not by the applicant or previous owner. The property rises to about the

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center of the site and then drops towards the rear. All utilities are served in the Borough of Fort Lee and none in Leonia. The Key Map shows this is Lot 6 in the Borough of Fort Lee. The properties surrounding are all mixed in frontages. The Proposed Minor Subdivision shows the dwelling on the right-hand side and the line goes down the middle. There are three variances being requested. For Lot 6.02 we will have a total of 7,770.25 square feet with the Leonia property. For Lot 6.01, the property with the existing building, we will have a total of 10,168.08 square feet with the Leonia property.

Ms. Cooney questioned: Assuming there is an approval, are they going to stay the way they are in each municipality?

Mr. Collazuol stated: We are going to ask for a rearrangement of the lines in Leonia, but that part will remain as Leonia not Fort Lee. The variances required will be for Lot Width of Lot 6.02 which will be 52.63 feet where 60 feet is required, and Lot 6.01 will be 67.37 feet and complies. A variance is required for Side Yards – Both of Lot 6.01 at 13.33 feet where 14.50 is required. A variance is also required for Driveway Width of Lot 6.01 at 17.50 feet where a maximum of 16 feet is required.

Ms. Cooney questioned: You are combining the lot depth with Leonia, but if you took Leonia out what is the lot depth for Fort Lee?

Mr. Collazuol stated: It is 95 feet to the Borough line, so we are five feet short in Fort Lee.

Ms. Cooney questioned: Isn't that a variance?

Mr. Grygiel stated: I have come across these many times in other towns. Based on case law, you can rely upon the entirety of the property. You do not have to cut it in half because of the division of both towns.

Mr. Kienz stated: None of the municipal boundary lines are in stone. You could always argue their locations. I do agree with Mr. Grygiel as well.

Ms. Kotive questioned: Is the existing home going to stay?

Mr. Macri stated: Yes.

Mr. Pohan questioned: Which street will they front on? Jones Road?

Mr. Collazuol stated: Yes, existing and proposed.

Mr. Pohan questioned: They are served by the Borough of Fort Lee?

Mr. Collazuol stated: Yes.

Mr. Macri questioned: Can you comply with the Boswell letter?

Mr. Collazuol stated: Yes.

Mr. Ferris questioned: Is there any intent for Lot 6.02?

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Mr. Macri stated: The intension is to sell the lot.

Ms. Kative questioned: In the event the second lot is sold, where does the curb cut go? How many feet will it be and how many street cars will you lose?

Mr. Collazuol stated: It will probably be 16 feet, but we really wouldn't make too much of an impact because we currently have a circular driveway there that we will be getting rid of.

Ms. Tiberi questioned: What will you be removing from the new Lot 6.02 with the subdivision?

Mr. Collazuol stated: Everything on the proposed lot will be removed. The shed, fountain, circular driveway will be removed in its entirety and the wall in the Borough's right-of-way.

Ms. Tiberi questioned: The entire driveway will be removed?

Mr. Collazuol stated: Yes, we believe so if you think so as well.

Ms. Tiberi questioned: Are any utilities crossing Lot 6.02?

Mr. Collazuol stated: We did not do video, but it is unlikely that it crosses. There should not be a conflict.

Mr. Ferris questioned: The home on Lot 6.01 is unoccupied. Will this remain unoccupied? Do they have a plan?

Mr. Macri stated: They are going to renovate it and either rent or sell it.

Mr. Kienz questioned: Did you submit for County approval?

Mr. Macri stated: Not yet. I am going to submit after approval from Fort Lee and Leonia.

Mr. Kienz stated: Okay.

Chairman Greenberg asked for questions and comments from the public.

A motion was made by Mr. Ferris, seconded by Councilman Sargenti, and passed on a vote of 8 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney, Sargenti, Kative and Greenberg, to approve the Minor Subdivision for Two (2) Lots.

Mr. Macri stated: I would like to congratulate Councilman Sargenti on becoming an honorary member of Saint Rocco's last night.

Councilman Sargenti stated: Thank you very much.

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REFERRAL FROM THE GOVERNING BODY:

ORDINANCE NO. 2021-14

“AN ORDINANCE AMENDING CHAPTER 410, ZONING, OF THE CODE OF THE BOROUGH OF FORT LEE REGARDING MEDICAL CANNABIS DISPENSARY”

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

Mr. Grygiel stated: Yes, of course. I have outlined everything in my memo. The Board’s role is dictated by the MLUL and is limited. The Governing Body sent this to you for review and you can weigh in on consistency of the Master Plan and give recommendations of inconsistencies and thoughts. This is pretty straight forward. The State law has change to allow this and now the municipalities have to decide if they want it. Fort Lee has taken a conservative approach as a pharmacy or retail store is permitted in one area, which is the C-5 Zone and no where else. This is a very limited zone, mostly by Route 46 and limited spots on Route 4. Medical marijuana did not exist at the time, so the Master Plan does not deal with it. I don’t believe it is inconsistent.

Ms. Kative questioned: Don’t they get a five-year trial period?

Mr. Grygiel stated: I believe it’s if you opt in you can’t opt out.

Councilman Sargenti: We have to keep our options open.

Chairman Greenberg stated: I believe it is consistent.

A motion was made by Ms. Cooney, seconded by Councilman Sargenti, and passed on a vote of 8 to 0 by members Pohan, Marshall, Ferris, Suh, Cooney, Sargenti, Kative and Greenberg, to recommend to the Governing Body that Ordinance No. 2021-14 entitled “An Ordinance Amending Chapter 410, Zoning, of the Code of the Borough of Fort Lee Regarding Medical Cannabis Dispensary” is consistent with the Master Plan.

Ms. Cooney stated: I know we are going to start on the Master Plan and just so Mr. Grygiel knows, we started working on it with Mr. Jovishoff. You could get the information from him.

Mr. Grygiel stated: Yes, I will touch base with Michael.

ADJOURNMENT

A motion was made by Ms. Kative, seconded by Councilman Sargenti, and passed without objection to adjourn this meeting at 8:00 p.m.

Respectfully submitted,

Christen S. Trentacosti

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Recording Secretary