

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF MAY 10, 2023

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, May 10, 2023 at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

ROLL CALL

PRESENT	Mr. William Barricelli
PRESENT	Mr. Paul Ceppi
PRESENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
ABSENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

Mr. Barricelli read Item No. 3 on the Agenda as follows:

Approval of Minutes from Planning Board Meeting April 26, 2023.

Mr. Wildermuth made a motion to approve the minutes; Mr. Ceppi seconded

Yes	8	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Councilwoman Rogers, Jackson, Keelan and Mayor Kane
No	0	
Abstain	1	McCabe
Absent	2	Crombie and Van Vorst

Mr. Cucchiaro, Esq. – Mr. Chair – an error with the next matter, it is Capital Improvement for County project and it will be corrected and resubmitted;

Mr. Barricelli – thank you

Mr. Barricelli read Item No. 4 on the Agenda as follows:

Memorialize Resolution for Capital Review Monmouth County Park System Extension Henry Hudson Trail East Main Street (Rt. 537) to Center Street Pedestrian Bridge; Block 53 Lot 20.01 & 20.02 and Block 77, Lot 16.01

Councilwoman Rogers – made a motion to approve with changes; Ms. Argote-Freyre seconded

Yes	8	Barricelli, Ceppi, Wildermuth, Argote-Freyre, Councilwoman Rogers Jackson, Keelan and Mayor Kane
No	0	
Abstain	1	McCabe
Absent	2	Crombie and Van Vorst

Mr. Barricelli read Item No. 5 on the Agenda as follows:

Capital Review Project, Freehold Borough School District, Capital Review Project, Park Avenue Elementary School Addition, Application PB-CR-2023-008, 280 Park Avenue, Block 116 Lot 1;

Mr. Cucchiaro – Mr. Chairman this is a Capital Review under Section 31 under the MLUL, there is no approval or denial; they are required to come to the Planning Board, you can provide comments but not a formal hearing and we will adopt a resolution;

Mr. Ceppi – Mr. Cucchiaro, as a sitting board of education board member do I need to recuse or step down;

Mr. Cucchiaro – recuse;

Dante Alfieri, Esq. – here to discuss expansion of Park Avenue Elementary School; project engineer providing copy of plan;

Samantha Boonstra, Remington Vernick Engineers – working with Freehold School District, to construct one story addition; approximately 11,540 sq. ft.; off fifth grade wing, and existing technology lab toward front of school; purpose is for additional education space for current student and staff; the current building does not suit the students that attend; this addition will help alleviate capacity deficiency as well as include different areas; technology lab we are extending off of – will be renovated to include support space, office, closet and two small group instruction class rooms; new addition to building will include nine (9) small group instruction classrooms, one contained specialized classroom and four elementary grade classrooms grade three thru five; also one staff toilet room and two toilet rooms for students and janitor closet between two toilet rooms; new addition also contain new corridor connecting to existing corridor system as well as upgrade electrical and HVAC system; elevations under design and will match existing building façade off fifth grade wing with larger windows for more natural light; background with stormwater, as this is more impervious coverage; we have reviewed in existing plan created for another addition in 2017; currently utilize dry wells around the perimeter of the addition areas, roof runoff from addition area routed to these drywells for filtration in surrounding soils; we note we performed a geotechnical investigation in preparation of addition; results indicated ground water is fairly deep, 18 to 20 feet below existing ground surface therefor we propose to add two additional dry wells around the proposed addition; the dry wells will extend down approximately 20 feet below ground surface; additional length of pipe installed from dry well at the northeast corner to the addition to the dry at the south which was constructed 2017 addition to allow overflow into existing system; that is the summary; questions

Mr. Barricelli – partitions in the classrooms; do they open and close manually;

Ms. Boonstra – yes – four areas are small group instruction class rooms with partitions; the school would have the ability to create two full size class rooms if needed; they are manual, now;

Councilwoman Rogers – when you did the study for additional plumbing, did you test for lead in existing pipes;

Ms. Boonstra – not something we looked into since the preliminary testing; we have not tested existing utilities in there, we will look as far as the connection pieces; what we are connecting to was installed in 2017, new addition;

Mr. Keelan – are you doing with intention to add a second floor;

Ms. Boonstra – one story only;

Mr. Barricelli – where is the storage for classrooms;

Ms. Boonstra – areas originally designated for storage are being used for office area and closet located near technology lab being renovated out;

Mr. Barricelli – can the size of the property handle another addition or will this be it;

Ms. Boonstra – when we did original analysis, we located a few areas for the addition space, this proved to be the best location; there are a couple of other areas we looked at that could have housed the addition as well;

Councilwoman Rogers – with extending out from tech room, is there sidewalk there; will it be replaced;

Ms. Boonstra – there will be two sidewalks, new on left side and another on other side connecting to existing sidewalk;

Mr. Barricelli – how many additional students will this area handle;

Ms. Boonstra – we are not increasing the number of students; the building cannot sufficiently hold the current number of students; there are approximately 320 student's pre-k – fifth grade and don't meet capacity standards;

Mr. Barricelli – anyone else;

Mr. Cucchiaro – no vote necessary; I will draft a resolution and state specific recommendations, non-manual apparatus for the walls;

Mr. Barricelli – thank you for presenting;

Mr. Barricelli read Item No. 6 on the Agenda as follows:

Peter Licata, Esq. – representing GF 620 Park LLC – tonight the following professionals are here and may present;

1. Christopher T. Sojka – Applicant's President and Creative Director – background: hospitality specialists
2. William Hickox – Owner's Representative and Operations Management Consultant
3. David Eiseman – Owner's Representative and Administrative Consultant
4. Jim Bash, P.E. – Project Engineer – Van Cleef Engineering
5. Victor Anosike, P.E. – Traffic Engineer - McMahon, a Bowman company

6. Alan Zimbler – Registered Architect – Zimbler Architects
7. John Barree – P.P. – Heyer Gruel & Associates

Mr. Licata – Christopher T. Sojka – sworn in; president and creative director,

Mr. Licata – please explain how the business will operate on a day to day basis;

Mr. Sojka – good evening, here to present how Goldfinch cannabis business; we want to offer a safe, secure and complaint experience for all customers and employees and give something more than just a dispensary; providing education and design and bring people that want to learn; that is the vision and how we want to operate; compliance and security being key; entire experience will be upscale, the exterior here, continues thorough abstract modern; a state of the art facility; everyone will be highly trained; additional training and will follow all protocols; cannabis retail customer service nationwide is not good; I want to create an experience that is not a pharmacy, we are not a pharmacy and we are regulated, giving a more premium experience with an education of what to purchase based on needs;

Mr. Licata – walk through a day;

Mr. Sojka – begin the day with security check, management to employee, check points for all security checks, sign in, stocking and receiving inventory, properly set up to track so product does not go missing; we are able to track all product movement which is required by the state, all must be accounted for and coded;

Customers will be greeted by staff, wait in sally port and can view non-cannabis items; must have a government id; once in and vetted, now can view flowers with bud tenders to discuss needs and desires; customers will be able to start the order on their phone / tablet as well; they can't check out online, everything else; they must pay at the store;

Mr. Licata – no consumption on the premises;

Mr. Sojka – correct, no consumption or sampling on the premises; this is a state regulated facility; display only; all sealed, cameras all around; security always around, no inappropriate behavior, zero tolerance; strict inventory control;

Deliveries are by appointment only; vans or box trucks, no tractor trailers; deliveries will be during the least busy hours; Monday – Friday before 1:00pm.

Cannabis waste – returns / spoilage will be quarantined held in secure vault or cage, documented and returned to the accredited supplier; all cannabis waste destroyed on premises will be done according to NJ CRC regulations before being discarded in a locked dumpster for pick up

Mr. Licata – what are the regulations to destroy on site, destroy to make impossible to consumer or ingest; is that correct;

Mr. Sojka – correct – the product will be locked and wait for pick up for disposal;

Trash collection – Monday – Friday, 7am – 10am;

End of day, closing – making sure the store is spotless, no dust, nothing that would indicate we not a luxury entity; closing security check, every detail important; every detail is important every day;

Goal is to be open – 10am – 8pm – 7 days; maximum 20 employees per shift, 40 employees split into 2 shifts per day; 5 mgrs., 8 retail associates, 3 fulfillment associates; also, compliance officer and security officer during all operating hours;

We have allocated sufficient parking for customers, including designating spots for those waiting to enter our pick up window, rather than coming inside; this is done through the website on your phone or tablet, placing the order but must come to the facility to pay and pick up; they will check in online and be notified when the order is ready and will go to the pick up window and retrieve the sealed order; when placing the order, you are given a time when to come and pick up, you won't be able to come whenever you want, you must come during the time slot provided; allowing up to 36 orders an hour during peak times, taking pressure off physical space itself, especially repeat customers who know what they want and are not looking for education or hospitality and expediting process;

Mr. Licata – you mentioned pick up window, it is not an order and pick up window correct;

Mr. Sojka – correct, you may not place your order at the window it is not like a classic fast food drive thru; you must order digitally, given a time slot and pick up and pay at the window;

Coming into the store, we have ample parking, 51 spots with 2 ADA compliant;

Mr. Cucchiaro – 51 reduces the previous total that 54 recommended in the engineers' report correct;

Mr. Sojka – not sure;

Mr. Licata – our engineer will confirm answer;

Mr. Sojka – during periods of intense volume, special moments, opening day and April 20, our managers will monitor parking lot capacity and if we reach capacity, we will put out a sign lot full; the entire Goldfinch team is incredibly serious about security, cameras, being connected to Freehold Borough police; best well versed in all aspects of training, best practices and retail operations;

For a retail cannabis dispensary, ensuring we are a reliable addition to the community, providing welcoming environment, contribute to local economy positively; making it a destination, so we continue to contribute, people come and will stay in town and dine and shop;

Mr. Barricelli – board questions;

Mr. Wildermuth – number of employees;
5 mgrs., 1 compliance officer, 1 security officer;

Mr. Sojka – maximum 20 employees per shift – up to 5 mgrs., 8 retail associates, 3 fulfillment associates and 1 compliance officer and 1 security officer;

Mr. Cucchiaro – no onsite consumption, correct; no outside storage and hours of operation 10:00am to 8:00pm 7 days;

Mr. Sojka – correct; no consumption, no outside storage and correct hours – 10:00am-8:00pm 7 days;

Ms. Argote-Freyre – who will train staff

Mr. Sojka – I am not an expert, I will let Will answer;

Ms. Argote-Freyre – drive thru – order ahead;

Mr. Sojka – yes, you may not drive up and order; order is placed in advance and picked up at the time provided when placing the order;

Ms. Argote-Freyre – what is the ratio, bud tender to client;

Mr. Sojka – Will can answer;

Ms. Argote-Freyre – dumpsters; locked and regular how is that managed and picked up;

Mr. Sojka – traditional dumpsters for regular trash and picked up by traditional hauler; the locked dumpster is cannabis waste;

Mr. Licata – regulatory provides the locked will be inside;

Mr. Sojka – correct; there is also a way to dispose of and properly destroy waste that is located outside and picked up by a hauler, dealing strictly with material like this;

Ms. Argote-Freyre – what type of products will you be selling;

Mr. Sojka – flowers, various pre-rolls, limited to vapes, distillate type product like hash; very carefully produced concentrate bitters, maybe lozenges; all complying with the state; we will not have edibles;

Mr. Keelan – limit to customers in the store at one time; if too crowded and lines outside, is that allowed, prohibited;

Mr. Sojka – defer to Will;

Mr. Keelan – is this your only store and will there be security at night, after hours;

Mr. Sojka – yes; defer to Will;

Mr. Wildermuth – hospitality – sounds good, servicing 3 people every 5 minutes, how do you keep people to the time slot provided;

Mr. Sojka – not open to early arrival, time provided is time to come; notification when in your parking spot, no incentive to show up at a different time;

Mr. Barricelli – this is your first business of this nature; have you had experience with this business;

Mr. Sojka – worked in Denver for 8 years, even prior to business being regulated in Denver; I studied the operation, worked with clients in sector and worked on advertising; NJ has done a good job at keeping it controlled;

Mr. Barricelli – when you reference this, your area of expertise is hospitality correct, that is what you are referring to, correct;

Mr. Sojka – yes, when you are in this industry and you are selling the ‘D’ word; part of marketing is the experience from external to inside the store, overall experience; we are not just selling;

Mr. Ceppi – places you have witnessed before, the drive thru aspect, shocks me; one that it is allowed, how does that operate, verification of id; store wait, I understand, the queuing up, I don't understand, it is not pizza

Mr. Sojka – the queuing up, similar to Walgreens, picking up a prescription, they tell you when it will be ready; little less stringent time slot system but similar to how it operates; we remain very serious on the process of picking up and verification;

Ms. Argote-Freyre – you order from a website and pick up;

Mr. Sojka – yes, order and get verified and pay at the location;

Mr. Barricelli – any other board members; any public members, seeing none;

Mr. Jackson motion to close public questions; Mr. Wildermuth seconded;

Yes	9	Barricelli, Ceppi, McCabe, Wildermuth, Argote-Freyre, Councilwoman Rogers Jackson, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	Crombie and Van Vorst

Mr. Licata – next Will Hickox; sworn in;

Mr. Hickox – Operational Consultant, I am working on a handful of projects in New Jersey and knowledge in other states, Oregon and Colorado;

Mr. Licata – trash disposal – can you explain specifics;

Mr. Hickox – cannabis disposal, 2 methodologies to remove from the premise; first for spoilage or recalls, would be through the supplier, they will pick up and dispose of themselves; we will keep in a cage in the vault so it does not get disbursed to the public or mixed with good product; other option is to render unusable, held in cage in vault and can be ground up with other refuse, like paper and the state is 50/50 with marking cannabis unusable, once mixed it will be stored until secure pick up available and borough outside to secure trash can and taken away be secure facility;

Mr. Licata – product delivery, does it come in fully processed and ready for sale, you are not getting raw material then assembled;

Mr. Hickox – correct, it is ready for sale, we do not assemble any product for sale; State requirements do not allow “deli style” which is what happens in other states, buying by the ounce etc. it must come in a packaged sealed container, labeled with all analysis information; we will not open and will not allow customers to open on site;

Mr. Licata – the vault – this is a cash intensive business – explain how you handle and the pick-up process; does a Brinks truck on a regular basis;

Mr. Hickox – there are two (2) vaults, cash room vault and product vault, separate areas; in cash vault we will have a safe with locked door with limited access; also, are banking service will provide pick up cash as needed with a secure process;

Mr. Licata – the pick-up window, customers who initiate their order how do you verify the identity;

Mr. Hickcox – the process is, they go through the website, start a preorder, no payment online; then given a time slot to show up, check in with us and they will wait or be advised to come back (if they show up early) once product is ready, they will go to pick up window, their identified will be verified at the window – valid id is required – and complete the transaction;

Mr. Licata – regulations are very specific, video security and the infrastructure you have to provide and coverage both inside and outside; how does that function;

Mr. Hickcox – 24-hour coverage, our monitoring and a separate service which we will give access to the NJ CRC and the Borough Police Dept.

Mr. Licata – overnight watchman;

Mr. Hickcox – if you need a security guard at night, your security system not doing the right thing; everything will be monitored 24/7, we will have motion detectors in the camera; if you need someone onsite you don't have the right security system;

Mr. Licata – are you familiar with the process of vetting employees and different functions;

Mr. Hickcox – the State has specific training requirements for all cannabis facility employees, includes history of cannabis, different types, uses, step 1; we may do in house or hire third party, approved by CRC, in addition we will have standard operating procedures with all ins/outs of what is need on a daily basis; compliance etc.

Mr. Licata – that is all I have for Mr. Hickcox;

Councilwoman Rogers – follow up to Mr. Ceppi's question, with regard to drive-up, children are not permitted on the premises – with drive up, how do you know or prevent kids from being in the car;

Mr. Hickcox – it will be communicated to them; it will be on our website clearly – under 21 not welcome; the same though if someone comes into our facility and leaves a minor in the car, we have no way of monitoring;

Councilwoman Rogers – you mentioned getting rid of refuse was to mix with regular garbage; will that refuse be stored separately and disposed separately;

Mr. Hickcox – it gets wrapped together; it is 50 – 50, traditional refuse and cannabis product get wrapped together and stored in a locked cage – quarantined from usable product; once pick up service is ready we will put out for them to take away;

Councilwoman – who will stop an employee from taking a little before putting in the refuse;

Mr. Hickcox – it is all recorded by the CRC, all inventory – brought, in, sold and refuse; the CRC tracks all – everything is weighed also, refuse and product; all part of state requirements; also, all on camera;

Councilwoman – are there specific companies that haul away and a specific location they take to;

Mr. Hickcox – I am not sure if there are state regulated haulers; we will follow what the state requires;

Mr. Licata – are there approved haulers that you are made aware of to use for this purpose;

Mr. Hickcox – my understanding is there will be, the state has not outlined that in their rules yet; I am fairly confident that this is what happens in other states; haulers have to get certified to haul the trash and once taken off site it gets further disposed;

Mr. Licata – that is the part you are not sure what they will do with;

Mr. Hickcox – correct; the state considers this traditional refuse and rendered unusable so they consider at that point low if not zero for use for how it is disposed;

Councilwoman Rogers – it would be nice if they have in place before operational; that is a concern of mine; if they specify it should be disposed in a certain way, they should have specific all the way through;

Mr. Hickcox – yes, CRC is new division and are updating rules consistently and evolving;

Mr. Cucchiaro – as we sit here now is there a regulation on hauling;

Mr. Hickcox – not that I am aware of;

Mr. Cucchiaro – if you are to open and still no regulation, how will the hauling operate;

Mr. Hickcox – we will require suppliers to pick up and dispose; and as we get closer to opening we will request the CRC to advise of rules;

Mr. Cucchiaro – contractually with the supplier you will have them come to the site to retrieve the unusable product;

Mr. Hickcox – this is a dispensary not a processing organization, so we will have packaged product; if spoil or out of date, the responsibility will be on the supplier;

Mr. Cucchiaro – in the absence of disposal regulation, it will be the supplier that picks up and when there is a regulation, whatever that regulation requires, that is how it will be done;

Mr. Hickcox – will do what CRC requires;

Mayor Kane – the state is highly regulated, they have regulation compliance, from seed to sale; Will can you elaborate the entire process; NJ cannabis regulation is only sell what is made in NJ; quickly run through, complex regulation;

Mr. Hickcox – seed to sale tracking program, it starts at seed level; once plants are of certain age, they get a tag, throughout the plants life cycle that tracking number is recorded every time the plant is moved; from growing, from harvest, drying, packaging and waste etc., the number follows all the way; also tracking the weight; you are also required video waste, and weighed and tracked; once to our doors, same tracking system, one system throughout the state, no issues of software compatibility; from our receiving, to our vault, into our fulfillment room, to the customer; recorded / tracked from seed to sale or (destroyed/refuse/sent back to supplier);

Councilwoman Rogers – customer can not open until the exit the premises, is there security to make sure they get product and leave;

Mr. Hickcox – security on site during all operating hours, primarily be at the front door, will also have security in parking lot to make sure no one is smoking in the parking lot; through our security system, we will have access to the system and will monitor the entire time to make sure no consumption at all;

Councilwoman Rogers – security, you mentioned you are giving Freehold Borough police access to video monitoring but they do not have someone to sit and monitor 24/7, used as an investigation tool; are you going to have someone sitting there; yes, 24/7 monitoring company, in addition to; it is actually four parties watching, CRC inventory control, everything captured on camera; police dept. for investigation purposes; our 24/7 monitoring company; and ourselves for security purpose and inventory as well;

Mr. Keelan – how many people do you expect inside and how to limit lines outside;

Mr. Hickcox – occupancy is 36 people total front sales area, which will be about 26 guests at a time; monitor door counts during busy times; outside, monitor the parking and put out side lot is full if needed;

Mr. Wildermuth – security – will they have firearms;

Mr. Hickcox – no

Mr. Wildermuth – you mentioned cash and debit cards; with federal laws, high cash business and bank laws – can you elaborate;

Mr. Hickcox – primary is cash, there are some local banks and third-party systems that act and load like a debit, prepaid card; we will investigate the options out there and use what is best;

Mr. Cucchiaro – my experience there are agreements with credit unions;

Ms. Argote-Freyre – training your staff, is that training your staff on state regulations and what other type of training;

Mr. Hickcox –yes, state required training, we can't employee anyone without; and will train on our specific process, standard operating procedures; if cashier, how to open and close a drawer, further nuts and bolts, our customer experience, products we carry, effects of different products, recommended dosage of product; really depends on position of employees; a bud tender will have to be fully versed on a product and cashier will be more operationally focused / transactional;

Ms. Argote-Freyre – the budtender will be the amount of produce for guidance to the customer;

Mr. Hickcox – yes;

Ms. Argote-Freyre – is there anyone who advises not to drive and smoke;

Mr. Hickcox – yes, we have literature that states not to and why not to; and when to use and not to use, educational; budtender and cashier will be knowledgeable on this;

Mr. Barricelli – the size of facility, is it similar in size to other facilities or larger;

Mr. Hickcox – yes, larger – warehouse facility in rear, it is larger than most;

Mr. Barricelli – education, any plans to educate the general public;

Mr. Hickcox – yes, there are few ways; provide literature, bring in supplies on specifics of their product, how/dosage and provide a premium experience for team and customers;

Councilwoman Rogers – specific to where you present your education because it can't be in a place where children or people who are not old enough are around;

Mr. Licata – the restrictions are also being able to see into the business or exterior that glorifies the usage;

Mr. Barricelli – any public members have questions for Mr. Hickcox;

Councilwoman Rogers motion to close public comments; Mr. Jackson seconded;

Yes	9	Barricelli, Ceppi, McCabe, Wildermuth, Argote-Freyre, Councilwoman Rogers Jackson, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	Crombie and Van Vorst

Mr. Licata – next witness; project engineer

James Bash, Professional Engineer, licensed in the state of New Jersey, first time in the Borough but testified in several other towns in New Jersey;

Mr. Licata – will you give a brief narrative overview of the project;

Mr. Bash – project located at 620 Park Ave, 125-foot frontage on Park Avenue, north east and west are commercial uses, restaurants; south is Borough line; no child care facilities or schools, half way houses or correctional facilities located within 500 feet of the property as required; the property was formally a paint store, 2 driveways to Park Ave, in / out, existing topography slopes from Park Avenue toward the rear of the sight to a wooded area – existing drainage runs here; the site currently has 23 parking spaces; proposing to operate the same footprint, architectural changes to the façade, the foot area will not be extended, proposed plan has 56 parking spaces and the use requires 33; previous testimony said 51, it will be 51 result of engineers comments;

Site circulation – fire truck will be able to navigate around the building and rear parking without issues; trash truck is able to navigate; trash enclosure is 12x8, large enough to handle; pick up window, set aside 5 parking space to wait until order is ready and called to window; no stacking cars permitted at the window;

Security camera will be on the façade of the building and light poles in the parking lot to cover all of the property;

We will disturb less than one acre of land, increase impervious coverage by less than a quarter acre, .207 exact, under NJ Administrative Code, 728, Stormwater Standards this does not meet threshold to considered development for stormwater management; we will maintain all existing drainage patterns, two curb cuts on the low side of site, increase flow is very minimal and will not see an impact with runoff to adjacent properties;

Signage proposed is free standing in place of existing sign and 2 façade signs on the building, we need relief for that and the planner will testify;

Mr. Licata – you said two façade signs, is the Name Goldfinch on one and the Bird is on the other;

Mr. Bash – correct;

Mr. Cucchiaro – my understand is state regs requires signage to also include LLC or LLP, is that correct and depicted in the sign;

Mr. Bash – it is on the freestanding sign in front, state regs I defer back to Will Hickcox; I have reviewed the Abbington letter, everything in the review letter we agree to comply with; he makes recommendations we are incorporating into our design specifically the 90 degree turn around and also removing 2 spaces parallel, on the northwesterly site, at the front to create safer conditions; the landscaping comments to add the landscape island, we have some green space, we are not 100% impervious coverage and are providing some landscaping and feel the landscaping is adequate for the site;

Mr. Barricelli – Anthony, do you agree;

Mr. Maltese – I agree, I wanted to add additional islands in particular the front area at the entrance; similar as NJ Leaf, to create more greenery; I understand the 100% allowed but we wanted to increase the amount of landscaping if possible; also not mention, was to give clarity why the cross walk exists to the southwest corner of the building; it is in the middle of the turn, coming down the one way; it helps with visibility but we discussed elements two spots on westerly boundary and they can shift the sidewalk to run along the westerly property line and put cross walk in front of building and make safer and run along westerly line; this will help with parking, shared parking with 618;

Mr. Bash – yes, we will flip the sidewalk to run along westerly side and agree it is safer condition; Also, the request to have zero-foot candles at all property lines, we request that this only applies to the shared property line with the residential use; we don't want to create any dark spots along the edge of property for security concerns;

Mr. Cucchiaro – will there be spillage;

Mr. Bash – there will be – minimal

Mr. Maltese – the intensity should be shown on the plans;

Mr. Bash – we can do that;

Mr. Licata – will you be discussing signage;

Mr. Cucchiaro – it needs to be prefaced; Mr. Chairman we had ordinances that were actually codified on the same day that appear in 1998 and in two different sections of the ordinance regulate signage on this property and is done in slightly different ways; the ordinance treats the signage here oddly because of the way it is codified;

Mr. Licata – the signage ordinance chapter 15.16 – separate letter, based on zone, some ambiguous text in appendix D, indicate applicable to the B-2b zone –

Mr. Cucchiaro – not really ambiguous at all, just recite to the contrary; why don't start with section that explicitly regulates the zone;

Mr. Licata – appendix A; address the B-2b zone;

Mr. Cucchiaro – the zoning officer advised that he believes this is under appendix A; I advise this should be brought to the Mayor & Council as this treats the same property differently and see if they can resolve it; but his applicant is proceeding under the section that they were advised to proceed under my the zoning officer and engineer;

Mr. Maltese – there are three sections, A general commercial districts and does not specify B-2b or B-2a, zone and D (more than two separate business on one property) and E (two or more separate businesses on one property) does specify B-2B and B-2a zones;

Mr. Cucchiaro – this site is regulated by appendix A, D & E; I recommend that everything that regulates this zone be in one section not sporadic in different sections;

Mr. Licata – can you list the variances we are requesting;

Mr. Bash – D1C, not more than one sign; we have 2 building and free standing; I am not sure, defer to John our planner;

Mr. Maltese – one more item, left out of report, the site will require 2 electric charging stations; For this project; 2 for any parking spots over 50 and 1 for any under 50;

Mr. Bash – the applicant agrees;

Councilwoman Rogers – regarding parking spaces, it looks like there are enough space to meet the variance, so why so many parking spaces;

Mr. Bash – it is a design waiver for the parking spaces, the ordinance requires 20 feet in length, we don't have head to head parking, we are proposing 18 feet, typical in most places; also, the ordinance requires 10-foot-wide and we request 9 foot again standard in most places and reduction of impervious coverage;

Mr. Cucchiaro – she is not speaking of dimensions, question about if a required number, why exceeding the number of parking;

Councilwoman Rogers – yes, and if so many why can't they meet what the design standards are; if you reduce the parking spaces would you be able to meet the design standards;

Mr. Bash – technically yes, it is seen throughout the state when these open there is a very high demand and want to be proactive and have enough parking; we don't want people parking 2 blocks away and walking and crossing Rt 33; our goal is to maximize the amount of parking;

Mr. Wildermuth – drainage – going from 6.94/90% impervious and no storm drains, the topography of the property north to south is how it runs; you testified there are two openings in the curb; my concerns is in the southeast part of the property; you have a cut out there, for the stormwater to go, small green space is there; look at aerial of the site, you factor in removing trees all the way to property line on eastern portion, it seems close to townhouses there, down here – do you see this as a problem;

Mr. Bash – no, the increase for run off for the entire site is 2 CSF in 100-year storm and that is divided for two curb cuts, very close to what it is today;

Mr. Maltese – I recommend that you turn parking 90 degrees and rear parking and channel to one area making a larger rip rap area and better maintenance for the property;

Mr. Bash – we can absolutely do;

Mr. Maltese – there will have a larger area once they 90 degree that parking lot;

Mr. Ceppi – I would like to hear more about shared parking with 618 Restaurant, someone referenced it; we all know if you drive up and down Rt 33, 618 has parking constraints themselves and I understand that 618 would park in the paint store for overflow which did not impact each other; this business seems to be open during peak hours for 618, help us understand the plan and business model that will work with 618;

Mr. Bash – we do have shared parking agreement; we are providing more parking than we actually need and don't anticipate needing to use the shared parking; that is when we first open and have a surge but on a typical day we don't anticipate needing;

Mr. Ceppi – up to 20 employees at one time, facility holds up to 26 guests that is 46; three to five parking spaces for the drive up; we are running out of space;

Mr. Wildermuth – I have a question for counsel – the parking agreement for 618 and property of 620, do we have the language, is it informal, formal – this facility 620 regularly acts as an overflow lot for 618; whenever I have gone to 618, I have had to park at the paint store, closed at 7pm on a Saturday, this business will be open;

Mr. Cucchiaro – what is the parking agreement;

Mr. Licata – each owner of this property and 618 property have a written signed shared parking agreement; whereby 618 has use of some spaces on 620 premises and 620 has use of 618 spaces;

Mr. Cucchiaro – did you submit;

Mr. Licata – no, I can; maybe when Will returns he can elaborate;

Mr. Cucchiaro – they have exclusive right to use some parking spaces, what is the extent of the agreement; I will need, if they have an exclusive right to parking spaces; that goes to your number of parking spaces;

Mr. Licata – they are not allocated;

Mr. Cucchiaro – is it a lease or what type of agreement; what impact will this have on the operations of both businesses; we'll wait for Will

Mr. Licata – yes, a lease that self-renews each year;

Mr. Barricelli – in the traffic study you noted the shared parking as well as the hours; the hours of the dispensary is a direct conflict with 618 Restaurant – unlike the paint store;

Mr. Licata – this establishment closes at 8pm;

Mr. Barricelli – this restaurant will open before 8pm especially on a Sunday; that is my concern; wait for Will

Ms. Argote-Freyre – landscaping, is there a thought to any other landscape, planters / containers;

Mr. Bash – we may be able to do containers, we are adding islands near parking in the front which will help but the drive area between the parking and building there is no opportunity for any landscaping;

Mr. Wildermuth – site plan, southeastern parking lot at the property line, you designate of wooded area, it is a small area, residential on the other side;

Mr. Bash – beyond property line is a significant wooded buffer, approximately 50 to 100 feet from our property line and the closest residential building – it is all wooded;

Mr. Wildermuth – so you are testifying that the wooded area goes over into the neighboring property;

Mr. Bash – see the green line,

Mr. Cucchiaro – do we have – Dominica - mark as A-16

Mr. Bash – marked as Land Use Compatibility Map, the green line, 250 feet if you go half the distance is at the corner of the first building;

Mr. Wildermuth – thank you;

Mr. Barricelli – any other board members;

Any members of the public; seeing none, motion to close public questions;

Mr. Wildermuth motion to close public questions; Mr. Jackson seconded;

Yes 9 Barricelli, Ceppi, McCabe, Wildermuth, Argote-Freyre, Councilwoman Rogers Jackson, Keelan and Mayor Kane

No 0

Abstain 0

Absent 2 Crombie and Van Vorst

Mr. Licata – introduce our traffic engineer – Mr. Victor Anosike

Mr. Cucchiaro – swear in – Victor Anosike, licensed professional engineer and have testified before many boards of New Jersey, not this board;

Mr. Licata – you have studied the plan, heard the operation testimony, are you familiar with the shared parking arrangement, will you share with the board the information you have put together;

Mr. Anosike – speak briefly on the amount of traffic this site will generate, that will put the site of parking spaces in context; the site, retail part 3400, of the 7200 area space, based on IT rate, the site generate approximately 56 new trips, one way movement in and out of site, so if you do 63, it would be 28 trips; based on the requirements of a site this size, IT found that will require 28 spaces so we have 56 and cut down; the second part is the transaction time; not typical shopping mall or restaurant where you park for an extended period of time; high turnover, people come, 10 to 15 minutes, in the beginning may be 20 minute range; as they learn what to buy and repeat, the time of parking is less, 10 – 15 min.; that will 4 to 6 patterns in an hour, so every hour that parking lot will turn over 4 to 6 times; for 56 spaces that turn over rate can accommodate 200 cars in an hour, offering enough parking;

The other shared space, 618 Restaurant has 50 spaces, the arrangement is to use their own site when they have off times and the main use for our business is in the beginning weeks of our opening and people

being curious; we don't anticipate needing the space; based on working times of the restaurant, closed on Monday, free use of that location; Tuesday – Sunday, they open at 4pm;

Mr. Cucchiaro – does the agreement specify those hours;

Mr. Anosike – it reads, off times;

Mr. Cucchiaro – a different restaurant could come in and have different off times, correct; some restaurants are open 7 days; is the lease specific to this restaurant or can another restaurant come in and use the lease, Mr. Licata;

Mr. Licata – the lease provides specific times, when then can seek to use spaces;

Mr. Cucchiaro – how many spaces does it say or unlimited;

Mr. Licata – does not specify any number of spaces, so yes in theory;

Mr. Cucchiaro – either business can use space during the designated time of the other and does not dedicate spaces;

Mr. Cucchiaro - Mr. Anosike, are you aware of any approval on the restaurant site required parking

Mr. Licata / Mr. Anosike – no;

Mr. Ceppi – I recall when they were doing the outside overhang, part of facility, expanded foot print, I know there was discussion of parking arrangement, I don't recall exact but there was discussion; may have been a reduction of parking and needed agreement with paint store, not sure of specifics;

Mr. Cucchiaro – I would like the opportunity to evaluate the lease and track down the resolution that memorialize the other approval; we don't have to guess or make assumptions; this also speaks to Councilwoman's questions about what is required, is probably may be prudent of the other property owner and has rights to the parking;

Mr. Anosike – the drive thru is not typical drive up; it is specific pick up times; there will be times where patrons are parking when waiting; employee parking, 20 employees is the maximum, example opening day, anticipate a surge, so there will be 20 employees as the operation grows, the number of employees may be half of that and the turnover will be shift operation; not going to be 20 employees all the time; really at peak maximum; from my experience with other locations, the typical number of employees is 5 or 6;

Mr. Ceppi – that contradicts the testimony of Will and the professionals that spoke about running the business; up to 5 managers, 8 sales, 3 fulfillment, 1 compliance and 1 security, that is 15;

Mr. Anosike – that is the maximum at peak operation, doesn't mean every day you will have that number of employees working;

Mr. Cucchiaro – I thought peak was 20; what about in between shifts, will you have 20 people leaving and 20 people coming in;

Mr. Anosike – yes, 20; opening day that is possible; but on a regular day, no do not think that is how it will be;

Mr. Licata – the commercial leases, I think appropriate to enter into evidence and give you copies;

Mr. Cucchiaro – what are we up to Dominica;

Dominica – mark as A-17;

Mr. Licata – A-17, commercial lease between GF 620 Park LLC as Landlord and Table 33 LLC d/b/a 618 – specifically allows tenant 618 to utilize our parking lot from 8pm – 2:00am for over flow parking as those spaces are available;

Mr. Cucchiaro – 8pm is when you close, so not overlapping with operation;

Mr. Licata – correct; also like to mark as A-18, similar lease, the landlord is 618 and the tenant is GF 620 Park LLC – the right to utilize space at 618 all day on Monday without restriction on Tuesday – Saturday, 8am – 4pm and Sunday 8am – noon;

Mr. Cucchiaro – you are not relying on those spaces;

Mr. Licata – no, we are not relying on the spaces, operationally or in terms of our traffic testimony; but in the interest of both prudence and each being good a neighbor;

Mr. Cucchiaro – there is an incorrect date;

Mr. Licata – yes, you will see name and signatures on last page are dated;

Mr. Barricelli – the agreement specifies the hours of operation each business can use, which for 618 is after your business is closed;

Mr. Licata – correct;

Mr. Cucchiaro – the lease reads 50 spaces, testimony was different;

Mr. Maltese – 56 spaces proposed, loose 2 in front and potentially 3 in the back, gives them 51 and with credit maybe 52;

Mr. Cucchiaro – the lease also reads it will begin when parking lot is complete 2023;

Mr. Licata – lease is for full build out and spots; 618 has been parking at this property prior and had written leases from prior owner; in contemplation of approval for the site, of approximately 50 spaces they have executed the new agreement whereby it would step up 618 right to use this property of 50 spaces there for over flow;

Mr. Cucchiaro – it also states the premises may be used for any other purposes only with prior written consent of landlord; is the applicant willing to stipulate today that he is not going to consent to any other use other than the hours in here;

Mr. Licata – yes;

Mr. Barricelli – any other questions,

Mr. Ceppi – traffic that is to come with business, other than the turn in and out; I drive by every day, busy road;

Mr. Anosike – the existing building 7200 sq. ft. (all space) existing foot print is not changing; what is being proposed, IT rates for proposed dispensary comes to maximum amount of movement, is mid-day and you will have about 66 trips; and in the afternoon is about 64; peak is mid-day about noon to 3:00pm, the paint store used to generate 56 trips; the net increase is less than a minute to two minutes, so very minimum increase; we also did a GAP study along Park Avenue at the location of driveways; acceptable GAP is measure of time from the rear bumper of the car to the front bumper of the second car is how much time will need to execute a safe turn; there are parameters of acceptable GAPs from 5 to 8 seconds; based on study we found that there are any where from 57 to 100 more acceptable GAPs; any left turns into or out of the site has at least 50 opportunities between that hour to make safe turn;

Circulation – spoke about before – one more item, the circulation of 24 feet which is generally access for truck turning; the parking we talked about; the traffic generated is very low for Park Avenue and into the site there is enough parking so there is no issue; NJDOT reviewed and sent a letter of No Interest; traffic will not be a problem with the amount of volume will be very low;

Mr. Maltese – the loading operation, trucks coming in, what hours;

Mr. Anosike – box trucks and vans – not sure of time;

Mr. Cucchiaro – Mr. Licata, looking at the leases, crossing the property lines between the two properties, since this lease contemplates 20 years and perhaps terminating upon sale, assuming there is not a cross access easement because that would be permanent and run with the land; if there is an approval I would like to have submitted for review by the Boards professionals and also like to see addendum or codicil to the leases; 1. Incorporating what we just spoke about – that other than the 8pm – 2am there is not any other use; 2. Cleaning up the dates in the beginning so it is clear when the date begins – submit for review and approval; I would like to also addendum to be a specific reference to any resolutions, whether it is this resolution or resolution approving the neighboring property so that there is history and should be recorded so it is in a title search and there is not claim that documents are not available for future people that didn't have the benefit of being here and come into the ownership of the property;

Mr. Licata – understand;

Mr. Maltese – cross access, I don't think there is vehicle access to the properties, only pedestrians can cross that property line, we also need a cross access easement for lot 11 because there at the property line;

Mr. Licata – your correct, no vehicular access to 618 between 618 and 620; as relates to the east, there is no formal easement agreement between them, it is a long-standing condition;

Mr. Maltese – we had a similar situation with NJ Leaf and made a requirement; either curb it completely or create a cross access easement;

Mr. Cucchiaro – you are here now, whatever the custom has been it is time to formalize;

Mr. Licata – you may have a prescriptive easement that has risen overtime and when you try to reduce to a writing with very specific restrictions and limitations the property owners don't agree but never the less

Mr. Maltese – legal concern I understand, just suggesting what we went through with NJ Leaf;

Mr. Cucchiaro – prescriptive easement, it has been a 20-year period existing, it has to be 20 years, open, notorious access;

Mr. Licata – I believe it has; I would be concerned having a condition where stipulations of installing a curb and then opens the property owner to law suit from the neighbor because of being in the way of prescriptive easement;

Mr. Cucchiaro – well that should be depicted on the survey; I don't know the law with putting up a curb with a prescriptive easement; I suspect they can still mount the curb and walk over;

Mr. Licata – vehicle, if you put a curb then vehicle can't pass from side to side

Mr. Cucchiaro – do they have parking rights, we have no formal agreement;

Mr. Licata – we have no formal agreement;

Mr. Cucchiaro – do they have a prescriptive right to parking on your property, do they park on this property;

Mr. Licata – not sure;

Mr. Maltese – also the “Stop sign” is in the middle of nowhere, they will need to put bollards around it with open curb;

Mr. Cucchiaro – will cars from this site, will they egress from there;

Mr. Maltese – from the pick-up window, going around heading to the Rt 33 exit if backed up people will hang a right and skip and go to next drive way to pull out;

Mr. Licata – in laymen's terms, I wouldn't open another can of worms by trying to figure out if people are going to try and pass;

Mr. Cucchiaro – it has to be taken into consideration how the site operates; it is over whelming to formalize, need to consider;

Mr. Licata – we are not relying on their lot for parking;

Mr. Cucchiaro – you must put in your analysis what the use of your property is; go toward any turn circulation, trucks that may go on their property that may go on your property; basic facts how that access works on a regular basis;

Mr. Barricelli – this convinces me that we can't finish this application tonight; answers to questions that you need to analyze and provide;

Finish with Victor Anosike, any other questions;

Public any questions for Mr. Anosike; seeing none, motion to close public questions;

Councilwoman Rogers made a motion to close public questions; Mr. Ceppi seconded;

Yes	9	Barricelli, Ceppi, McCabe, Wildermuth, Argote-Freyre, Councilwoman Rogers Jackson, Keelan and Mayor Kane
No	0	
Abstain	0	
Absent	2	Crombie and Van Vorst

Mr. Cucchiaro – Mr. Licata all professionals were open to questions, do you think all professionals need to return or just Planner and anyone else you want to testify;

Mr. Licata – Planner and address the property line and cross access works and Jim Bash;

Dominica Napolitano - Next date May 24, 2023 or June 14, 2023

Mr. Licata – professionals available June 14, 2023;

Mr. Cucchiaro, Esq. – the application GF 620 Park Avenue LLC will be continued and carried to the June 14, 2023 meeting date, held here at Borough Hall, 7:00pm, there will be no further notice to the property owners; the application and supporting documents are available for review contact Dominica Napolitano during business hours Monday – Friday; again, there is no further notice;

Mr. Barricelli – anyone else; motion to adjourn

Mr. Keelan made the motion to adjourn, Mr. Ceppi seconded; All in favor – aye (all), nay (none);

Meeting adjourned at 9:57PM.

Respectfully submitted,

Dominica R. Napolitano