

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:33 p.m. by Chairman Sebastian who read the following statement: "Notice of this meeting was given as required by the Open Public Meetings Act on January 5, 2022. In addition, a copy of this notice was given to the Township Clerk and posted on the second floor bulletin board of Town Hall.

The Board saluted the flag.

Roll call:

Present –Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Sebastian, Mr. Adams, Mr. Colavita. **Absent-** Mr. DelCampo, (excused) Mr. Sander, (excused) **Also present-** Mr. Coe, solicitor, Mr. Dickerson, Planner, Ms. Fox, Council Liaison, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

Public Hearings:

1. #21-50- Robert Poznek- Lot Coverage & Side Yard Variances

Present- Robert Poznek III

The applicant is requesting a side yard variance for the installation of a driveway which will be 5 feet from the side yard where 10 feet is required. In addition, the applicant is requesting a lot coverage variance to allow 35.4 % where 20% is the maximum. This due to the extension of the driveway to the pole barn, which is increases the pre-existing condition of an increase in the permitted lot coverage on the property, along with any other variances or waivers deemed necessary by the Board. The property is located at 145 Dahlia Avenue, also known as Block 14604, Lot 8 in the R-2 Zoning District.

Mr. Poznek was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to deem application #21-50 complete. Voice vote; all ayes, motion passed.

Mr. Poznek stated he is in front of the Board because he would like to put a pole barn on his backyard. He will also need a lot coverage for the driveway that will be going to the pole barn. Mr. Sebastian asked if the driveway would be asphalt. Mr. Poznek replied yes. Mr. Sebastian stated that the applicant will also need a 5ft variance for the side yard.

Public Hearings: (continue)

1. #21-50- Robert Poznek- (continue)

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Kozak, seconded by Mr. Salvadori for the approval of a side yard variance with the installation of a driveway which will be 5ft from the side yard where 10 ft. is required, in addition the applicant is requesting a lot coverage variance to allow 35.4 % lot coverage where 20 % is the maximum. The conditions which are appropriate on the motion are that the applicant will obtain all Township permits and approvals including construction permits and lot grading approvals that may be necessary. The construction shall take place in accordance to the plans that were submitted with the application. The applicant will satisfy any and all escrow requirements. The applicant will obtain any and all outside agency approvals that may be necessary. The applicant will comply with any COAH requirements. Roll call vote: Ayes- Mr. Kozak, Mr. Salvadori, Mr. Cossaboon, Mr. Cummiskey, Mr. Powers, Mr. Adams, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #21-60- Anthony McGill- Side & Rear Yard Variances

Present- Anthony McGill Sr.

The applicant is requesting a side yard variance for an existing shed to be .51 feet from the side yard where 5 feet is required, as well as a rear yard variance for an existing deck to allow it to be 2 feet from the rear yard where 37.5 feet is required, along with any other variances or waivers deemed necessary by the Board. The applicant was granted a lot coverage variance in 2020 to allow 38.3 % lot coverage. The property is located at 1953 Steeplechase Drive, also known as Block 150.0101, Lot 19 in the R-2 Zoning District.

Mr. McGill was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to deem application #21-60 complete. Voice vote; all ayes, motion passed.

Mr. McGill stated that he built a shed that is too close to the property line and also built a patio deck that is too close to the rear property line. Mr. Kozak asked if the items exist already. Mr. McGill replied yes. Mr. Sebastian asked if the shed is on a fix pad or will there be dirt inside. Mr. McGill replied it is on a pad. Mr. Salvadori asked if behind the shed is wooded area. Mr. McGill replied yes.

Public Hearings: (continue)

2. #21-60- Anthony McGill- (continue)

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Powers, seconded by Mr. Cummiskey for the approval of a side yard variance for an existing shed to be .51 ft. from the side yard where 5ft. is required, as well as a rear yard variance for an existing deck for it to be 2ft. from the rear yard where 37.5 ft. is required. The conditions which are appropriate for the motion are that the applicant will obtain all Township permits and approvals including construction permits and lot grading approvals that may be necessary. All construction should be in accordance to plans and surveys submitted with the application. The applicant will satisfy his escrow requirements and obtain any outside agency approvals if any that may be required. Roll call vote: Ayes- Mr. Kozak, Mr. Salvadori, Mr. Cossaboon, Mr. Cummiskey, Mr. Powers, Mr. Adams, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

3. #21-61- Son Raj, LLC- Use Variance

Present- Leonard Schwartz, applicant's attorney, Brian Seidel, applicant's planner, Dave Patel, applicant, Rajendra Singh, applicant, Sita Murria, applicant.

The applicant is requesting a use variance for the construction of a 15,000 square foot building to be divided into different commercial uses, along with any other variances and waivers deemed necessary for the Board. Three of the proposed uses will be for Cannabis manufacturing, Cannabis cultivation, and Cannabis retail and distribution. The other units will be available for commercial use. This site previously received final site plan approval in 2010 but was never constructed. The property is located at 201 N. Black Horse Pike, also known as Block 201, Lot 46 in the Commercial Zoning District.

Mr. Patel, Mr. Singh, Mr. Seidel and Ms. Murria were sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to deem application #21-61 complete. Voice vote; all ayes, motion passed.

Mr. Schwartz introduced himself as the applicant's attorney. Mr. Schwartz stated that there will be three applicants, he stated that there are individual uses under the Township ordinance. Mr. Schwartz explained to the Board that there are different licenses. He stated that he had communicated with Mr. Coe to make sure everything can be included in the overall process. He stated that in 2014 the Planning Board approved a 15,000 sq. ft. retail center. The plan itself indicated and was approved at the time, not specifically for that reason, 12,000 sq. ft. was retail and 3,000 sq. ft. was going to be a Japanese restaurant, but nothing was ever built. On the report from Mr. Kernan that went based on the original approval. There will be no restaurant, it will be 15,000 sq. ft. total Mr. Schwartz indicated that everything that is going into the building is in reference to cannabis.

Public Hearings: (continue)

3. #21-61- Son Raj, LLC- Use Variance (continued)

Mr. Schwartz stated that the applicants have applied for the licenses under the cannabis ordinance for the Township and with the state of New Jersey. As you know New Jersey is going from medical license to general retail license. There are five different license under the ordinance, one license allows for the retail sale of cannabis, another license allowing the cultivation of cannabis, and another to allow for the manufacturing of cannabis. There are three separate license that will be under the three businesses that are involved and going into the site. Mr. Schwartz stated that there will be no changes to the original site plan. The Township ordinance for the cannabis requires security. The applicants will be coming to the Board to comply with their site plan. Mrs. Orbaczewski informed Mr. Schwartz that there is a new stormwater regulation.

Mr. Patel represents Power Grow, LLC his company will be the manufacture and cultivation. He stated he would like to have 2,500 sq. ft. cultivation center and a 2,500 sq. ft. manufacturing lab. His company has the experience, when they started in the west coast in Arizona, but stated he was a minority there. Mr. Patel also has dispensaries in PA and also has his Pharmacist license for the state of New Jersey. Mr. Kozak asked if they will have everything separated. Mr. Patel replied yes they will be separate suites everything will be divided. Mr. Singh stated that they will have only cannabis in the building to have everything together for security purposes. Mr. Singh stated that he has been working with the Township for approximately one year to make sure everything is done correctly. Mr. Kozak asked will the retail be 2,500 sq. ft. Mr. Singh replied it will be 3,500 sq. ft. He also stated they will build the 15,000 sq. ft. building and expand the grow if needed. The dispensary will be 3,500 sq. ft. and that will not change. Mr. Singh stated that they are planning on putting a smoke shop or a CBD store in which will be 1,500 sq. ft. The only one that could change is the cultivation. Mr. Kozak asked what will be the six licenses. Mr. Patel replied retail, cultivation, manufacturing, delivery, wholesale, and distribution. Mr. Sebastian stated that where there is confusion is in regards to the two vacant suites, if the applicant will not be using it for the next two years, will they be renting them out. Mr. Singh replied no they will leave them vacant. Mr. Singh stated that because of their experience from the west coast the grow will need a lot of space, that is why they are keeping those two spaces vacant to utilize if needed for the grow. Mr. Kozak asked if that will have city water and sewer. Mr. Schwartz replied to his knowledge it seems as it does not have sewer, it may change once it is reevaluated. Mr. Dickerson asked are there any uses that the state legislation can prohibit to occupy those two vacant suites. Mr. Patel replied not that he is aware of. Mr. Kozak asked what will be the time frame for the licenses. Mr. Patel replied for cultivation and manufacturing the state has 90 days to inform the applicant, they have already applied for the licenses and they were accepted on January 15, 2022 they will know conditionally, hopefully by April. Mr. Patel stated that once the conditional license is approved then they will apply the convergent license, which may take another 3 months.

Public Hearings: (continue)

3. #21-61- Son Raj, LLC- Use Variance (continued)

Mr. Seidel stated that the Board has heard from the applicants and their testimony so there isn't much for him to testify. The adjacent properties are the Pike Inn, Rite Aid Drug store the U-Haul storage, car dealer ships. Mr. Seidel stated that it is in the commercial zoning district as well as in the Townships cannabis overlay district. He stated that what was being requested is a D-1 use variance which regulates and permits principal use per property. The regulations for the commercial district permit a variety of commercial uses including shopping centers, retails, etc. Mr. Dickerson stated in regards to the report all facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors. Mr. Patel replied that everything will be indoors. Mr. Dickerson stated that all buffers shall comply with the requirements set forth, as proposed a variance is required. The facility shall provide air treatment system with sufficient odor-absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property. Odor from the facility shall be monitored on an annual basis as the discretion of the Township by a licensed, qualified contractor chosen by the Township. Mr. Singh replied they will have a special company come out to control the odor. Mr. Kozak asked if there is a complaint in regards to the odor who should the Township inform. Mr. Singh replied they will fix it. Mr. Dickerson stated that signs shall comply with the Township ordinance. Mr. Patel replied yes they will comply. Mr. Dickerson stated that the applicant shall submit the following: a safety and security plan, emergency services access plan, hazardous materials inventory, environmental impact statement and waste control. Mr. Schwartz replied that they will make it a part of the site plan approval. Mr. Dickerson stated that all cannabis retailers' hours of operation shall be 10:00 am to 10:00 pm. Mr. Patel replied they will comply with that; Mr. Dickerson stated that security lights will be kept on as well, asked if the dispensary interiors shall provide a secure location for storage of products with minimum products in the customer service area. Mr. Patel replied everything will be in a glass display and will have a vault for the extra products. Mr. Powers asked what type of sprinkler system will the applicant be having. Mr. Patel replied the whole building will have sprinklers as well as fire alarms. Mr. Dickerson stated people shall not be permitted to congregate outside of a dispensary, loiter or wait in line to access the dispensary. The facility should have a plan in place if interior capacity is exceeded numbers are given, and customers wait in their vehicles until called. Mr. Patel replied they will have an app to order online, he stated he wants people to come in and out and move quickly. Mr. Dickerson asked if there will be a consumption on site. Mr. Patel replied no. Mr. Dickerson stated that the minimum required lot frontage/width is 115 feet. Lot 46 conforms to this requirement, having a lot frontage of 286.15 feet along the Black Horse Pike. Mr. Dickerson stated the maximum permitted lot coverage is 75%. The plan appears to conform to this requirement. Mr. Schwartz replied nothing will be changed.

Public Hearings: (continue)

3. #21-61- Son Raj, LLC- Use Variance (continued)

Mrs. Orbaczewski stated that the extension has been expired since 2019 and that Mr. Schwartz will need to speak to the Boards attorney to confirm. Mr. Kozak stated that on the paperwork it stated that there is a pump station so that might mean that it will have public sewer. Mr. Schwartz replied that if anything needed to be changed the applicant will make the changes on the site plan. Mr. Kozak stated that when the Botanist was approved he thought there will be people waiting outside in line. He stated that he travels around town and that he hasn't seen anyone.

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Kozak, seconded by Mr. Powers for the approval of a use variance to allow more than one principal use of the property. Those being approved commercial uses, class 5 retail cannabis dispensary use, class 2 cannabis manufacture use, and class 1 cannabis cultivation use. The approval will be condition upon the applicant returning to the Board for site plan approval, also condition upon the applicant complying with all of the cannabis standards sited in section 3.2 of the planner's report except to the extent that a specific variance may be granted at the time of site plan for anyone of those requirements. All bulk requirements to be addressed at the time of site plan approval. The applicant shall satisfy and maintain their escrow obligation. The applicant shall obtain all outside agency approvals that may be necessary. The applicant shall obtain any and all other Township permits and approvals that may be necessary. Roll call vote: Ayes- Mr. Kozak, Mr. Salvadori, Mr. Cossaboon, Mr. Cummiskey, Mr. Powers, Mr. Adams, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. Mrs. Orbaczewski stated that the next meeting will be on February 3, 2022. There will be no applications scheduled for that meeting. However, there will be a lot of resolutions that will need to be memorialized. Mr. Coe will be going over educational issues with the Board since there are new members.

2. Mr. Sebastian just wanted to remind the Board members if they were not attending a meeting to please let Ninette know. If you don't inform the office you will be marked absent.

Approval of Minutes

None

Monroe Township
Zoning Board of Adjustment Regular Meeting

January 20, 2022

Adjournment:

The meeting was adjourned at 7:36 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.

Respectfully submitted by: Iris Tomasello, Clerk Transcriber.