

**Call to Order:**

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:30 p.m. Chairman Sebastian who read the following statement: Notice of this meeting was sent in writing to the Courier Post and South Jersey Times and published on June 23, 2022. A copy was sent to the Township Clerk and posted on the Township website. “Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”.

The Board saluted the flag.

**Roll call:**

**Present** Mr. Cossaboon, Mr. Cummiskey, Mr. Colavita, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Sebastian. **Absent-** Mr. Papson, (excused), Mr. Seidenberg, (excused), Mr. Sanders (excused) **Also present** – Mr. Coe, Solicitor, Mr. Kernan, Planner, Ms. Fox, Liaison, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

**Memorialization of Resolutions:**

1. Res. #32-2022- App. #22-15 Pine Barrens Production-Use Variance Approved

Motion by Mr. Colavita, seconded by Mr. Powers to adopt resolution # 32-2022. Roll Call Vote; all ayes; motion passed.

2. Res. #40-2022- App. #22-25- James Kerfoot- Rear Yard Variance Approved

Motion by Mr. Colavita, seconded by Mr. Powers to adopt resolution # 40-2022. Roll Call Vote; all ayes; motion passed.

3. Res. #41-2022- App. #22-30- Brian & Francesca Lepo- Side Yard Variance Approved

Motion by Mr. Colavita, seconded by Mr. Powers to adopt resolution # 41-2022. Roll Call Vote; all ayes; motion passed.

4. Res. #42-2022- App. #22-33- Gregory Hinks- Side Yard Variance Approved

Motion by Mr. Powers, seconded by Mr. Colavita to adopt resolution # 42-2022. Roll Call Vote; all ayes; motion passed.

**Public Hearings:**

1. #21-40- Eugene Taylor- Use Variance Amendment

The applicant is requesting to amend his approval to allow a driveway off of Huber Ave as opposed to Winslow Road. The property is located at 2276 Winslow Road, also known as Block 4902, Lot 2 in the RG-PR Zoning District.

Mr. Coe stated that Mr. Taylor will not be present for the meeting, he stated that he spoke with the Board secretary and advised that this can be done with papers. Mr. Coe reviewed the use variance requests for the Board. Motion by Mr. Kozak, seconded by Mr. Powers to grant an amendment to Mr. Taylor's previous approval to allow a driveway off of Huber Avenue as opposed to Winslow Road for his pole barn. The conditions which are appropriate on the motion are that all terms and conditions of the previous resolution of approval remain full force and effect and the applicant will satisfy all of his escrow requirements. Roll call vote: Ayes- Mr. Kozak, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Cummiskey, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2.#22-28 & WSP 04-22- ReLeaf Cannabis, LLC- Use Variance & Site Plan Waiver

Present: Jeffrey Apell, applicant's attorney, Luis Figueiredo, applicant, Britney Bailey, applicant, Xavier Joyner, applicant, Dennis Parsia, owner.

The applicant is requesting a use variance to allow multiple uses in the same building and lot in order to be permitted to operate an adult use cannabis retail dispensary in the existing building, along with any other variances or waivers deemed necessary by the Board. The applicant is also requesting a site plan waiver since no changes are planned to the building or parking lot with the exception of signage. The property is located at 1012-1024 S. Black Horse Pike, also known as Block 3601, Lot 2 in the RG-C Zoning District and CR&D Overlay District.

Mr. Apell introduced himself as the applicant's attorney. He stated he has seen the applicant's business plan and model and will be very professional operation. He stated they have read over the planner's report and are prepared to respond and answer all the questions.

Mr. Figueiredo, Ms. Bailey, & Mr. Joyner 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. Cummiskey, seconded by Mr. Powers to deem application #22-28 complete. Voice vote; all ayes, motion passed.

Mr. Apell asked Mr. Figueiredo what is the general plan for this particular store. Mr. Figueiredo replied the plan is to implement a recreational cannabis dispensary at 1024 S. Black Horse Pike in units A and B.

**Public Hearings: (continued)**

2.#22-28 & WSP 04-22- ReLeaf Cannabis, LLC- Use Variance & Site Plan Waiver (continued)

Mr. Figueiredo is working Bishop and Smith architects and establishing an environment for cannabis dispensary that will be both secured products for storage and will be a safe environment for customers and staff. Mr. Apell stated that the parcels, and the 3.25 acres, and the building is about 10,000 sq. ft. Mr. Apell asked Mr. Figueiredo what is the amount he will be renting. Mr. Figueiredo replied he will be renting 5,548 sq. ft. of space, restricted to the customers will be 1,510 sq. ft. of space the lobby area will be 753 sq. ft. and the sales area will be 757 sq. ft. The max occupancy for the lobby area technically can go up to 30 people he doesn't anticipate having 30 people in the lobby area, but if he has a lot of customers there is a waiting area to put the people so that there will be no exterior loitering. Mr. Figueiredo stated that he also implemented plans to establish delivery, curb side pickup and will give the customers ahead of time instructions on how to view the menu items he will also give them instructions on how to view information on the safety consumption of cannabis. Mr. Figueiredo stated that with the health care background him and his other owners have. He has been an emergency room nurse in hospitals for 6 years, Ms. Bailey has been a nurse in hospitals for 8 years, and Mr. Joyner is a health and physical education teacher. Mr. Figueiredo stated he wants the community to be aware of the effects cannabis can have on them, he wants to make sure the community is consuming the product safely. Mr. Apell stated that the building itself will be renting the two units A and B, C is rented by another tenant that is State Farm and they will be staying in the building. Mr. Apell stated there are three residential rental units that is one of the reason his client is in front of the Board for a use variance because it's a mixed use. The entrance to the residential rental units are on the side or rear. Mr. Apell stated that the planner had zoning requirements. Mr. Apell asked Mr. Figueiredo in regards to the hours of operation. Mr. Figueiredo replied the hours of operation for Monroe Township can go from 10 am to 10 pm, he plans to be operating from 10 am to 8 pm will be opened everyday excluding holidays. Mr. Apell asked Mr. Figueiredo in Monroe Township are there any other cannabis locations existing. Mr. Figueiredo replied yes. Mr. Apell asked Mr. Figueiredo to talk a little more in regards to the exterior and loitering and security issues. Mr. Figueiredo replied that the building is large and the Board is requiring 101 spaces for every 150 sq. ft. gross for area, this will bring it to 37 spaces for the specific unit they will be renting. He stated that Unit C the State Farm measures 1,455 sq. ft. they will need 10 spaces. The residential units will require 2 spaces per unit which will bring a total of 37 parking spots. He stated when he submitted a parking plan to the Board he stated it had 35 parking spaces, he has a new parking plan which has 55 parking spots. Mr. Figueiredo stated the only part of the building that will be accessible to the customers will be 1,510 sq. ft. The rest of the building will be for store rooms the first one is the cannabis that is ready to sell. The second store room is for cannabis that is processing (cannabis that was received). The third is cannabis that is suspected to be adulterated.

**Public Hearings: (continued)**

2.#22-28 & WSP 04-22- ReLeaf Cannabis, LLC- Use Variance & Site Plan Waiver (continued)

The fourth store room is for cannabis that is confirmed to be adulterated. Mr. Apell asked Mr. Figueiredo what does he mean by adulterated. Mr. Figueiredo replied if any adult has a reaction to the cannabis they will provide them with information on how to contact the applicant and information on how to contact the manufacture or cultivator to report the adverse reaction and once the information has been received they will send the product to a third party for testing and they will provide a full report on what can caused the reaction once they know it will be stored in a room where it will get destroyed. Mr. Apell stated that Mr. Figueiredo is seeking a site plan waiver. Mr. Apell asked Mr. Figueiredo if he has filed with the state for the permits and if he has an ETA when the permit will be distributed. Mr. Figueiredo replied that the CRC had a meeting and some applicants have been approved but they have been so overwhelmed with the amount of applications that they have received.

Mr. Kernan stated that the applicant went over all his points on the report. He stated they are in front of the Board for the multiple use on the property, cannabis use is permitted in that overlay. Mr. Kernan stated the parking and the capacity, he has seen the Botanist the line going around the building. He has a big concern with the capacity. Mr. Kernan stated he hasn't seen a parking plan. Mr. Figueiredo stated to Mr. Kernan once he saw his report they changed the original parking plan. Mr. Kozak asked Mr. Figueiredo what was the change on the parking plan. Mr. Figueiredo replied the old plan had one parking stall for every 250 sq. ft. but by the planner's report he changed it to one stall per 150 sq. ft. the second plan has the capacity of 55 parking stalls. Mr. Kernan stated he will ask a couple of questions on the parking plan, the adjourning property shares parking. Mr. Parsia was sworn in by Mr. Coe. Mr. Kernan asked Mr. Parsia if that building is residential. Mr. Parsia replied yes it is residential, two units one upstairs and another down stair. Mr. Kernan asked Mr. Parsia the building in the back that states repair shop. Mr. Parsia replied it's a garage that he uses. Mr. Kernan stated the two residences on the other lot doesn't need to generate additional parking. Mrs. Orbaczewski stated the behind the commercial building are three residential units. Mr. Kernan stated that looking at the parking plan for the first time it looks workable. Mr. Coe stated that he wanted to be clear, if the applicant needed 4 to 5 more parking spaces. Mr. Kernan stated that it seems they are over parking spaces. Mr. Coe asked Mr. Kernan how many are needed for handicap. Mr. Kernan stated two or three handicap spaces. Mr. Sebastian asked Mr. Figueiredo about the entrances of the Black Horse Pike. Mr. Kernan replied there is two. Mr. Kozak stated coming in from the East and out by the West to continue the flow. Mr. Powers asked Mr. Figueiredo if there will be curb side pickup, will there be a designated parking spot. Mr. Figueiredo replied those customers will be given a pick up time to come to the dispensary, they will have their products ready but the customer will have to come in there will be nothing delivered outside.

**Public Hearings: (continued)**

2.#22-28 & WSP 04-22- ReLeaf Cannabis, LLC- Use Variance & Site Plan Waiver (continued)

Mr. Kernan stated in line with the parking he likes the idea of a condition for approval. Mr. Kernan stated the parking lot seems to be in good condition, but if there are any problems with it braking would Mr. Parsia agree to fix it. Mr. Parsia replied yes. Mr. Figueiredo stated they will not have any open cannabis, everything comes from the cultivator/manufacturer that is sealed the dispensary will not be an open deli. Mr. Kozak asked Mr. Kernan they will be opened until 8pm will the building need lighting. Mr. Parsia replied he can upgrade the lighting if needed. Mr. Kozak asked Mr. Figueiredo how many employees will be in the store. Mr. Figueiredo replied the three owners one will be at the shop all the time, Ms. Bailey is attending school for cannabis and is almost done, Mr. Figueiredo stated he is in his last two classes and Mr. Joyner will be attending Stockton University. He stated there will be two security guards, two bud tenders, a secretary and one owner. He stated there will be a total of six employees. Mr. Kozak asked the applicant if they will have dumpsters. Mr. Parsia replied he has a dumpster. Mr. Colavita asked Mr. Figueiredo on the Ordinance if it has any restrictions with residential and commercial. Mr. Figueiredo replied the State doesn't require any specifics for residential to the dispensary, they leave it up to the Municipal. Ms. Fox stated that it cannot be a certain distance from schools. Mrs. Orbaczewski asked Mr. Parsia if he wanted to explain to the Board about the residential units. Mr. Parsia replied that there are three residential units he stated because of the mix use he will be giving up the residential to commercial only. Mr. Coe stated that the only concern are the schools.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Kozak, seconded by Mr. Powers to grant the approval of a use variance for a cannabis retail store in an existing mixed use building on the applicant's property. The conditions which are appropriate on the motion are that the hours of operation shall be limited till 10 am to 8pm. The applicant will submit and obtain the Board Planners approval parking plan that will have a minimum of 55 stalls and the details of the layout featuring lighting subject to the Board Planners approval. The applicant will also submit a dumpster and trash plan for the approval of the Board Planner. The applicant will comply with all State laws and regulations and produce copy of its issued permit for the operation of the facility. The applicant will comply with all tax obligations for its operations. The applicant will comply with all escrow obligations. The applicant will comply with the plans and surveys submitted with the application. The applicant will obtain other outside agency approvals that maybe be necessary. The applicant will obtain all Township permits and approvals including any construction permits that maybe necessary. Roll call vote: Ayes-Mr. Kozak, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Cummiskey, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

**Public Hearings: (continued)**

3. #22-27- Jason Alexander- Use Variance

The applicant is requesting a use variance to be permitted to have two principle uses on the same lot; a residential use and commercial use. The applicant is also requesting a side yard variance to allow a 5- foot side yard for the expansion of the existing driveway, along with any other variances or waivers deemed necessary by the Board. The property is located at 1051 Clayton Road, also known as Block 12901, Lot 32.04 in the Commercial Zoning District.

Mr. Alexander 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. Kozak, seconded by Mr. Cummiskey to deem application #22-27 complete. Voice vote; all ayes, motion passed.

Mr. Alexander and his wife settled on this property in August of 2020 and in September they found out the wife was pregnant. He stated that initially they were going to live there and work from there as a started home. He stated they started living with his in laws and didn't know that he had to live there in order to run the business. The driveway is a little narrow and there is a lot of strain with the grass going on the side. He would like about 18 to 24 inches to widen each side. Mr. Sebastian asked Mr. Alexander 18 to 24 inches in total or each side. Mr. Alexander replied on each side, he stated he won't go over 2 ft. on each side.

Mr. Kernan stated to Mr. Alexander to state the hours of operation on record. Mr. Alexander replied he doesn't know what hours he will be having because it is just one person. He stated he doesn't have a specific day or time. He will be the only one working there and by appointment only. Mr. Alexander stated that the other part of the house his in laws will be sleeping three days a week they live in Wildwood and come to see the grandbaby. Mr. Kozak asked Mr. Alexander if his in laws will be living there. Mr. Alexander replied only a few days of the week. Mr. Kozak informed Mr. Alexander if he will be renting the property he will need to register the property. Mr. Kernan stated the property has some co-existence non-conforming frontage and width and setback for the building buffers. Mr. Kernan stated the driveway by the building looks like 3 ft. off and by the front it's pretty much on the property line. Mr. Sebastian asked Mr. Alexander if he can widen just on side 3 ft. Mr. Alexander replied its very narrow when you pull in to the driveway but as you get further in it opens up. Mr. Alexander stated he spoke with his surveyor and is going to re spray the property line. Mr. Kernan stated with a buffer variance there would also be the need of a design waiver to allow the parking to be within 10 ft. of an adjacent property line. Mr. Kernan stated that the proposing signage measuring 46 inches. Mr. Alexander stated he will be using the same signage are. Mr. Kozak stated that if there is any drainage issues Mr. Alexander will need to address. MR. Alexander stated that he will not be operating at midnight.

**Public Hearings: (continued)**

3. #22-27- Jason Alexander- Use Variance

Mr. Coe asked Mr. Kernan just so he can be clear on the bulk variance for the expansion of the driveway will it be 5 ft. or will it determine a different size. Mr. Kernan replied from a minimum of 5 ft. side buffer and a minimum 10 ft. set back to parking.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval of a use variance to allow multiple principle uses on the property questioned mainly a barber shop and a residence. The applicant is also seeking approval of bulk variance for the expansion of his driveway. The side yard setback for the driveway will vary from one ft. to three ft. There is also a variance a use variance for the 10 ft. setback requirement from the parking area. Also, will approve the existing non-conforming conditions of the lot frontage width as well as the front yard and building set back. The applicant is seeking a waiver for the buffer requirements. The conditions which are appropriate for the motion are that the applicants proposed sign will adhere to all requirements of section 175.135 C. The applicant will obtain all Township permits and approvals including any construction permits and or lot grading approvals as may be necessary. The applicant will obtain all outside agency approvals that maybe necessary. The applicant will comply with all plans and surveys submitted with the application. The applicant will satisfy his escrow requirements. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

4. # 22-29- Matthew Pontano- Use Variance

The applicant is requesting a use variance for the construction of a 40' x 40' pole barn, which when combined with the square footage of the other accessory structures, exceeds the square footage of the principle use, along with any other variances or waivers deemed necessary by the Board. The property is located at 1347 Corkery Lane, also known as Block 3801, Lot 6 in the RG-PR Zoning District.

Mr. Pontano 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. Kozak, seconded by Mr. Cummiskey to deem application #22-29 complete. Voice vote; all ayes, motion passed.

Mr. Pontano is trying to get a use variance to build a 40 x 40 pole barn for personal use so he can store his boats and vehicles. Mr. Kernan asked Mr. Pontano if the building will match the house with color. Mr. Pontano replied yes, he also stated he will not exceed the height of 22 ft. Mr. Kozak asked Mr. Pontano if he will run a business from the pole barn. Mr. Pontano replied no its only for personal use.

**Public Hearings: (continued)**

4. # 22-29- Matthew Pontano- Use Variance (continued)

Mr. Coe asked Mr. Pontano if he will be constructing any living space in the pole barn. Mr. Pontano replied no its only for personal use. Mr. Sebastian asked Mr. Pontano if he will have electricity running through the pole barn. Mr. Pontano replied yes.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Colavita, seconded by Mr. Cummiskey to grant the approval of a 40 x 40 pole barn a use variance for the pole barn. The conditions which are appropriate on the motion are that the applicant must secure all necessary outside agency approvals and Township approvals as may be necessary including construction permit approvals. The applicant shall maintain his escrow account and satisfy any outstanding escrow obligations. The pole barn shall be solemnly for personal storage purposes and shall not be used for any commercial purpose no living area may be constructed within the pole barn. The applicant shall comply with any COAH development fee requirements as may be determined by the construction official. The applicant shall comply with all the design and performance standard set forth in the Board Planners report. The pole barn shall be constructed in accordance with the plans and survey submitted as part of the application. Roll call vote: Ayes-Mr. Colavita, Mr. Cummiskey, Mr. Cossaboon, Mr. Kozak, Mr. Powers, Mr. Salvadori, 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

**Reports:**

1. Mrs. Orbaczewski advised the Board that the next meeting will be next week and she will not be in, she stated that Iris will be doing the meeting.

2. Mr. Coe stated he just wanted to give a highlight on an application for next week it's for an interpretation and the Board has not had an interpretation come before them at least in the five years he has been Board solicitor. It is a rare procedure; the Board will be listening to the applicant the applicant will have documents to show their view if it fits a certain definition under the code. He stated he sent out an email about the application and also gave a link to the business so the Board can go and see the facility that is located in Glassboro.

3. Mr. Sebastian stated the Board has two new members, he congratulated Mr. Colavita for moving up as a Board member. He stated that two members will be the alternate members. Mrs. Orbaczewski stated Mr. Papson and Mr. Seidenberg are the new members, she stated that there is a new list with board information as well as the dates for the meetings for this year.

**Reports: (continued)**

4. Ms. Fox wanted to congratulate Mrs. Orbaczewski for being a new grandmother to a baby girl. The Board congratulated her.

**Approval of Minutes:**

1. 06/16/22

Motion by Mr. Cumiskey, seconded by Mr. Powers to approve the minutes from the June 16, 2022 regular meeting. Voice votes; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:55 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.