

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:30 p.m. on November 17, 2022 by Chairman Sebastian who read the following statement, “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 12, 2022. In addition, notice of this meeting was sent in writing on November 4, 2022 and a copy was posted on the second floor bulletin board of Town Hall and 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, Mr. Seidenberg; Also present; Mr. Coe, Solicitor, Mr. Kernan, Planner, Mr. Sander, Engineer, Ms. Fox, Council Liaison; Excused- Mr. Papson.

Memorialization of Resolutions:

1. #67-2022 #22-49 – Impact Landscapes, LLC – Use Variance/Dismissal of Application

Mr. Coe stated that the applicant has decided to remove the landscaping materials from their property instead of returning to the Board for site plan approval. The application is dismissed without prejudice.

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.

2. #69-2022 #22-58 – Kim Scimeca – Expansion of Mother-in-Law Suite Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

3. #70-2022 #22-51 – Robert Smith – Lot Width/Lot Frontage Variances Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

4. #71-2022 #22-53 – Steven McDevitt – Lot Coverage Variance Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

Memorialization of Resolutions: (continued)

5. #72-2022 #22-54 & #22-55 – Joseph Hughes – Lot Area Variances Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

6. #73-2022 #22-52 – Greyhound Angels – Use Variance Approved

Mr. Coe stated this resolution is being held until the next meeting.

7. #74-2022 #22-56 – Angelina 1, LLC – Application Adjourned Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

8. #75-2022 #22-57 – Brandon Rota – Side Yard Variance Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

9. #76-2022 #22-59 – Steven Wolf – Application Adjourned Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

10. #77-2022 #22-60 – Ken Getsinger – Use Variance Approved

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote; all ayes, motion passed.

Public Hearings:

1. #19-28 – Ryan McDonough – Use Variance Amendment

The applicant is requesting to amend his use variance approval to be permitted to change the size of the approved pole barn from 40' x 80' x 21' to 50' x 64' x 24' along with requesting side yard variances to allow 10' where 20' is required, due to the shape of the lot and resizing of the pole barn, as well as any other waivers or variances that may be required by the Board. The property is located at 346 Broadlane Road, also known as Block 5303, Lot 5 in the FD-10 Zoning District.

Public Hearings: (continued)

1. #19-28 – Ryan McDonough (continued)

Mr. McDonough was sworn in by Mr. Coe. Mr. McDonough stated that he wants a bigger garage door so the building needs to be taller to accommodate that. He also stated that in order to put the building straight, he needs the side yard variance because his property is crooked. Mr. Kozak asked what he would be using the building for. Mr. McDonough replied he would store his boats in there. Mr. Kozak asked if he would be doing business out of there. Mr. McDonough replied no, just storing his boats in there. Mr. Kozak asked if it would be pole barn construction. Mr. McDonough replied yes. Mr. Kozak asked if it would match the color of his house. Mr. McDonough replied yes. Mr. Coe asked about the applicant previously appearing before the Board and being granted an extension for the approvals. Mr. Coe advised that applicant that he should ask for his additional two one-year extensions at this time, and that the build needs to be completed by the end of that extension. Mr. McDonough agreed.

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

Mr. Coe reviewed the application for the Board. This application is an amendment to change the dimensions of the pole barn and a side yard variance. Also, the applicant needs to exercise his two one-year extensions that would give him to December 3, 2023 to construct the pole barn. Furthermore, this is an amendment and all of the conditions from the previous resolution #44-2019 would carry over for this approval.

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #22-64 – Roy Brachfeld – Use Variance

The applicant is requesting a use variance in order to be permitted to install a six-foot fence and gate in the front yard of his property to keep unauthorized vehicles from entering the parking lot, along with any other variances or waivers deemed necessary by the Board. The property is located at 40 Walnut Street, also known as Block 3303, Lot 3.01 in the RG-C Zoning District.

Motion passed to deem application complete. Mr. Brachfeld was sworn in by Mr. Coe. Mr. Brachfeld explained that he has had issues with unauthorized parking in his lot, littering and vandalism on his property. He had just redone his parking lot and would like to put up a fence and gate around the front of the property to protect his employees and property. He explained that he is allowed to put up a 4' fence but does not believe that will be sufficient, so he is here to request approval to put up a 6' fence and gate.

Public Hearings: (continued)

2. #22-64 Roy Brachfeld (continued)

Mr. Kernan reviewed his report for the Board. He asked Mr. Brachfeld what type of fencing would be installed. Mr. Brachfeld replied that for the front it would be chain link fence and the roll gate would be welded metal, also vinyl fencing along the sides to match what's already there. Mr. Kozak asked if it would be white vinyl fence. Mr. Brachfeld replied yes, it would be white vinyl like what already exists on the right side and they would like extend it to the road. He also stated that the other side is wood and missing about ten sections they would like to just fill that back in. Mr. Kernan asked if the chain link fence out front would be vinyl clad. Mr. Brachfeld replied no. Mr. Kozak asked if he would be okay with doing the black on black vinyl fence. Mr. Brachfeld stated that he could but eventually that peels off after several years. Mr. Kozak asked how far off the street would the fence be. Mr. Brachfeld replied that it would be a few feet in from the property line. Mr. Kozak asked if the sign post would be inside or outside of the fence. Mr. Brachfeld replied the sign would be inside the fence and would still allow area for a pedestrian to walk out of the roadway. Mr. Kozak asked if the gate is not chain-link then what's to stop someone from still getting in. Mr. Brachfeld stated that he believes the way it is being designed they have accounted for that. Mr. Kozak stated that he would prefer if the chain-link across the front was black on black so it wouldn't stand out as much.

Motion passed to open the hearing to the public.

1. Kevin Bernard Jr. and Jessica Bernard of 38 Walnut Street were sworn in by Mr. Coe. Mr. Bernard stated that it's a residential area and if he puts fence to the street they would be the only one. He stated that he has tried to go to them about the trash issue and he does appreciate that they repaved the lot. He has children and he stated that having the fence there would devalue their house and make they feel less safe because people can hide behind the fence. Mrs. Bernard stated that if he puts the fence a good 3 feet in front of their fence and if you drive up coming off the pike you're just going to see the big humongous fence. She also stated that whenever they go to sell their house it's going to be a huge eyesore. Mr. Bernard stated that there would be a gap between the two fences that he wouldn't be able to get his lawnmower in there. Mrs. Bernard stated that it would look better if it could be vinyl all the way around because a big huge chain-link fence is going to be really ugly.

Mr. Bernard stated that when the carnival is in town, the people who work there are the ones charging to park there and they park on their grass too. Mr. Bernard stated that he would appreciate if they did put a fence up if they could line it up with his fence so it's not protruding to the front of anybody else's yard. Mrs. Bernard stated that there's not even a sidewalk there that it's literally going to be street and then fence. Mr. Sebastian asked them how far back from the street their fence is. Mr. Bernard stated that it's about 30 feet from the street to where their fence starts. Mr. Kozak made a comment that it's going to be an

Public Hearings: (continued)

2. #22-64 Roy Brachfeld (continued)

issue if they put the fence only 4' off the roadway because when someone has to get out of their car to open the gate, they're going to be sticking out; and if they did set the fence back 20 or 30 feet someone could pull in and be out of the roadway to open the gate. Mr. Kernan stated that he made a good point but they should have the applicant provide more testimony. Mr. Kozak stated that the fence around the property would help the residents with the trash blowing on their property. Mr. Kozak also addressed Mrs. Bernard's comment that she would prefer white vinyl fence in the front. He reiterated that a black chain link fence would be less obtrusive and blend in more.

3. Tim McCann of 43 Walnut Street was sworn in by Mr. Coe. Mr. McCann stated that he's lived there since 1972 and that he signed off on the first business that was there. He believes that a chain-link fence there would be an eyesore. Mr. McCann stated it's never been an issue before he doesn't know why it's an issue now.

Motion passed to close the hearing to the public.

Mr. Brachfeld stated that the problem with doing 20 feet in, is that someone can still fit a car and park there. Mr. Sebastian stated that Mr. Kozak was trying say that if the fence is set back 20 feet than it wouldn't be a hindrance to traffic when someone has to get out of the car to open or close the gate. Mr. Brachfeld stated that he has gates at other properties and it only takes a few seconds to open. He stated that he is allowed to put up a 4 foot fence no matter what, he's here asking to be allowed to put up 6 foot. He stated that a 4-foot fence wouldn't solve the problem of people cutting through his property and vandalizing his property. It would only solve the unauthorized parking issue.

Mr. Coe asked Mr. Brachfeld does he really think a 6-foot fence is going to make that much of a difference for someone that has their mind set on vandalizing his property. Mr. Brachfeld stated that with his experience at his other properties, putting up a 6-foot fence stopped all of that. He believes that 6 foot is much more of a deterrent to pedestrians that cut through his lot. Mr. Coe asked who is parking in his lot that is unauthorized. Mr. Brachfeld replied that he has no idea who it is; sometimes it's someone across the street having a party. He stated that today there was a guy parked on his grass from the backside of the property. He clarified that he does not know who it is and that no one has ever come to him and ask permission to park on his property.

Mr. Powers asked the applicant how much of a problem would it be to just go back about 10 feet. Mr. Brachfeld stated he believed that 6 foot back would be not enough room for a car to park there, but that 10 foot would be enough room for someone to park their car there. He believes that if left at 4 foot it would definitely solve his problem, but putting the fence back 10 to 20 feet would not fix anything and people would still park on his property. Mr. Kozak stated that he knows that street. He stated that most people that live on that street don't park on the street because it's so

Public Hearings: (continued)

2. #22-64 Roy Brachfeld (continued)

tight. He stated that when one of the employees pull over to open the gate in the morning it will be a problem because their vehicle will stick out in the street imposing on the traffic. That's why he thought setting the fence back a bit would work. Mr. Powers stated perhaps the applicant could put the fence back and then put landscaping of some sort out front to deter parking. Mr. Brachfeld stated that would not work either, since the people are parking on the new grass that he just put in. Mr. Sebastian stated Mr. Powers was referring to perhaps railroad lumber to outline a planter in front of the fence so people couldn't park there. Mr. Brachfeld stated that the plows would wreck that but he would be agreeable to try it.

Mr. Kozak stated that there is a right of way that the applicant would have to leave so people could walk. Mr. Brachfeld stated that he would be okay with setting the fence 6 foot back, that would be enough room to pull a car in to open the gate and not impose on the traffic. Mr. Kozak stated that he travels that street every day and it is very tight. Mr. Kernan stated that Walnut Street has a 40 foot right of way. Mr. Kozak stated that if the applicant has a car in the road while opening the gate it would be an issue. Mr. Kernan stated that the problem is that the property line goes right through the applicant's sign. Mr. Kozak stated then that would be where they put the fence. Mr. Brachfeld stated that he would be okay with that. Mr. Kozak stated that he would be allowed to put the 4-foot fence there, but since he wants 6 foot that's why they are trying to say to put the fence back further. Mr. Coe and Mr. Kernan both stated that he property is in RG-C Zone.

Mr. Sebastian stated that the Board would be okay with 6 foot if the applicant was willing to set the fence back far enough so pulling a car in would not be an issue. Mr. Brachfeld stated that he is allowed to put up a 4-foot fence, but also that if he can put up 6 foot that he would tie in with the neighbors already existing 6-foot fence along the side. Mr. Kozak said that people often put a 6-foot fence around their back and side but only 4 foot in the front of their property. Mr. Sebastian clarified that he can do 6 foot up to the front of the building, then it would be 4 foot to go out to the street. Mr. Powers suggested that he could set it back to where the neighbors fence ends. Mr. Brachfeld stated that he was trying to extend the 6 foot out as far as he could to keep it from cars parking in the lot, also he could have legal issues if someone gets hurt. He's had the property for so many years and never had these issues but times are changing and he's trying to keep everyone safe. Mr. Sebastian stated that they are at an impasse whether to allow the 6-foot fence on the street or the Board says no and he is allowed to put up the 4-foot fence out to the property line.

Mr. Colavita made a motion to deny the application. Mr. Powers seconded the motion to deny the application. Mr. Brachfeld asked unless it was set back to what. Mr. Colavita stated there is no unless, it's to deny your application. Mrs. Orbaczewski and Mr. Coe clarified if any the Board members are voting aye, it is to deny the application since the motion was made in the negative. Roll call vote: Ayes- Mr. Colavita, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings: (continued)

3. #22-28 – ReLeaf Cannabis, LLC – Use Variance Amendment

The applicant is requesting an amendment to their use variance approval to incorporate a new parking layout as well as the proposed lighting, and trash enclosure for the site, along with any other variances or waivers deemed necessary by the Board. Use variance approval was granted by the Board on August 18, 2022. The property is located at 1012-1024 South Black Horse Pike, also known as Block 3601, Lots 1, 2, & 3 in the RG-C Zoning District.

Motion passed to deem application complete.

The attorney for the applicant reviewed the application amendment. Joseph Mancini was sworn in by Mr. Coe. Mr. Mancini stated his qualifications for the Board. Mr. Mancini testified that the use variance was approved for mixed use on the site, as well as a site plan waiver. He stated that the amendment request is to include all three lots because combined, they make up all the required parking for the shared uses. He stated there would be no other changes to the testimony that was given previously by the applicant. He also stated there were previous approval conditions addressed and those are that the site plan shows the dumpster area in the back of the site with a fenced in enclosure with a gate, the revised striping to comply with the ordinance requirements, they provided 50 parking spaces, added a small section of sidewalk in front of the existing retail space and added some parking lot lighting.

Mr. Mancini stated that in Mr. Kernan's review, he indicated they were supposed to have 66 parking spaces. He explained that according to the ratio of space that ReLeaf will have for customers, they believe that 50 parking spaces will be more than enough for the mixed uses on this site. Mr. Mancini is asking the Board to grant a waiver for that parking situation.

Mr. Kernan reviewed his report for the Board. As far as the bulk requirements, there are some preexisting nonconforming conditions such as front yard setback for one of the structures, side yard for another structure and the buffers are not met. He explained that when he calculated the parking he considered is as a retail center and not a shopping center so that's how he came up with 66 spaces being required, but he agrees that 50 spaces should be more than enough. Mr. Coe indicated that the original approval called for 55 spaces. Mr. Kernan stated he is satisfied and that 50 spaces are enough. Mr. Kernan asked Mr. Mancini if he figured out the façade area. Mr. Mancini replied that the façade is at least 171 square feet so they are proposing a 16 ½ square foot sign which is less than the 10% maximum permitted, so that would comply.

Mr. Kernan stated they were previously granted a site plan waiver, but they are back because the parking is on three lots not just one. Mr. Mancini stated that they presented a minor site plan this evening as a means to address the conditions of the prior approval and leaves it up to the Board to decide if the application needs a minor site plan approval. Mr. Coe stated that the motion should include the minor site plan presented has satisfied the conditions of the waiver. Mr. Sebastian

Public Hearings: (continued)

3. #22-28 – ReLeaf Cannabis, LLC (continued)

asked about the parking spots in the front show to be off property, he suggests if they were pulled back could they create more spaces. Mr. Kernan says he does not believe so. Mr. Sebastian clarified that looking at the site plan a few of those spaces appear to be off property and this Board does not have the authority to give the applicant permission for off property parking. Mr. Mancini indicated that the restriping of the lot might be able to adjust the spaces to correct that. Mr. Kernan stated one other matter would be that the applicant could request all three lots to become one; or there would have to be cross access in parking easements on all three lots and suggests it might be cleaner to just consolidate. Mr. Coe agreed that a condition would be that it be consolidated. Mrs. Orbachewski stated that a lot consolidation might affect the applicant's certificate of filing with the Pinelands. Mr. Mancini stated they would be happy with either but request some flexibility if the Board sees fit.

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

Mr. Coe reviewed the application for the Board. The appropriate conditions carry forward from the previously adopted resolution #46-2022, with the exception that 50 parking spaces instead of 55 are acceptable. With regard to the condition #4 of that resolution the minor site plan being submitted satisfactory and the applicant will have to comply with all of the conditions in that minor site plan. Also that lots 1, 2, and 3 will be consolidated or cross-easements satisfactory to the Board's professionals.

Motion to approve by Mr. Kozak, seconded by Mr. Powers. Roll call vote: Ayes- Mr. Kozak, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Cummiskey, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

4. #22-62 – Precision Metalcrafters, LLC – Use Variance

The applicant is requesting a use variance in order to be permitted to construct a 40' x 80' x 16' accessory building in the front yard of the existing business property for the storage of machinery and equipment currently being stored outside along with any other variances or waivers deemed necessary by the Board. The property is located at 17 Filbert Street, also known as Block 3002, Lot 4 in the RG-LI Zoning District.

Motion passed to deem the application complete.

Present is Guido Babore, attorney for the applicant. Mr. Babore reviewed the application for the Board. Joanna Buehler was sworn in by Mr. Coe. Mr. Babore stated the lot is heavily wooded but there is an area of the lot that is clear that they would like to put the pole barn. They would like to preserve the trees in the area and the pole barn would fit perfectly in this non-wooded lot. Ms. Buehler stated that the open lot would be the perfect space for them. She also stated that the spot

Public Hearings: (continued)

4. #22-62 – Precision Metalcrafters, LLC (continued)

are asking to put the pole barn, there are trees along the street side of their property that would hide the sight of the barn. Mr. Babore asked Ms. Buehler if the barn would be adjacent to Filbert Street. Ms. Buehler affirmed that it would. Mr. Babore asked if the property line along Filbert is lined with trees and would therefore be shielded and buffered from the public view. Ms. Buehler affirmed. Mr. Babore asked what surrounds the property. Ms. Buehler replied to the right is Dodson Vault, behind is Wastequip, to the left is a buffer and a house that Precision Metalcrafters owns. She explained that the buffer is Lot 3002-12 and the house is on Lot 3002-11 and that Precision owns both of those lots.

Mr. Kernan reviewed his report for the Board. He stated that he's been out to the property and agrees it is heavily wooded and that the barn would be tucked in behind the vegetation. He asked the applicant how long the building has been there. Ms. Buehler replied that they moved there in 1974. Mr. Kernan stated that the property frontage on New Brooklyn might have a couple spots where you can see into the property but otherwise is pretty well buffered. Mr. Kernan asked the applicant if they were going to have the pole barn be compatible with the existing building. Ms. Buehler replied that they are trying to match the color as best they can to the existing building.

Mr. Kernan asked the applicant to give testimony as to the current operation on site. Ms. Buehler stated they wanted the barn to store equipment that his currently being kept outside and to be able to have move machinery from the inside of the plant as well. Mr. Kernan asked about the current parking and loading situation. Ms. Buehler stated that is all fine and no additional parking would be necessary. Mr. Kernan stated that since the request is only for 3200 sq. ft. pole barn; a lot grading application may be appropriate instead of a site plan but leaves that up to the Board. He also stated that the right of way should be 50 feet and it is currently only 42 and ½ feet but he doesn't feel that is necessary as it's been functioning this way for so many years already.

Mr. Kozak asked about the lot grading. Mr. Kernan replied they are proposing a 3200 sq. ft. pole barn, it's not much different than a house. He suggests at a minimum he would support waiving site plan subject to the lot grading ordinance. Mr. Kozak asked the applicant if she agreed with that. Ms. Buehler affirmed. Mr. Colavita asked the applicant what was going in the barn, and looking at the photos there seems to be a lot of broken down vehicles. Ms. Buehler replied that they would be putting equipment and machinery that they aren't using. She also stated that those vehicles are all tagged and registered and can be moved. Mr. Sebastian asked if her intent is to take what's currently outside and putting that stuff in the barn. Ms. Buehler replied yes.

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

Public Hearings: (continued)

4. #22-62 – Precision Metalcrafters, LLC (continued)

Mr. Kernan added that the application stated the height of the pole barn is 16 feet, but he believes that is the height inside the pole barn and then there's the pitched roof that would bring the height somewhere around 23 feet 4 inches to the top of the roof. So that the actual height the Board would be approving is 23 feet 4 inches. The Board confers and it is agreed they will go with 24 feet.

Mr. Coe reviewed the application for the Board. The conditions appropriate are that the applicant will obtain all Township permits and approvals including construction permits and lot grading as may be necessary. The applicant shall maintain its escrow account and satisfy any outstanding escrow obligations. The applicant will comply with all design and performance standards set forth in the Board planner's report for the pole barn. The applicant shall comply with the statewide non-residential development fee act requirement as may be determined by the construction official. The pole barn shall be constructed in accordance with any plans, surveys and other documents submitted as part of the application.

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

5. #22-56 – Angelina 1, LLC – Use Variance

The applicant is requesting a use variance in order to be permitted to use a commercially zoned property for use as a residential property with the construction of (2) duplexes each with a garage and (2) residential units above each of the garages. The property is located at 130 Grandview Avenue, also known as Block 1201, Lot 15 in the Commercial Zoning District.

Present is Jay Mintzer, attorney for the applicant. Mr. Mintzer reviewed the application request for the Board. Gary Vespia was sworn in by Mr. Coe. Mr. Mintzer stated that Mr. Vespia was well versed in real estate development. Mr. Vespia stated that he developed the Dunkin Donuts on the Pike.

Motion passed to deem the application complete.

Mr. Vespia explained where the property fronts three roads; the Black Horse Pike, Grandview Avenue and Harrell Avenue. He stated he contacted D.O.T. to see if he could get a separate curb cut but they said they couldn't because it's too narrow. He stated that he noticed people use Grandview to cut through and that there is another new development by Ryan Homes that is going to be exiting on Grandview Avenue as well. He stated that because of this, he is proposing to have the access point for the duplexes off of Harrell. Mr. Vespia hands photographs and plans marked

Public Hearings: (continued)

5. #22-56 - Angelina 1, LLC (continued)

Exhibit 1 to the Board. Mr. Kozak asked Mr. Vespia if he can repeat what he said about the D.O.T. Mr. Vespia repeated that they could not get a separate curb cut off the Black Horse Pike because of the narrowness of the lot. They were told the driveway access would have to be off Grandview or Harrell. Mr. Vespia stated that he proposed keeping the property somewhat residential by proposing the duplex units and on the Pike, having a small impact business, such as landscaping or a plumber, with the housing above it. He stated they would like to keep the resemblance to the neighborhood by putting two duplexes in the one-story unit closest to the Pike. These units are only about 980 square feet each, focused to the elderly or 55 and over for rentals. They need to have a one level without stairs, and their focus on keeping it small is to allow them to be able to have overnight visitors like a grandchild. Mr. Vespia stated if they were to make it commercial it would be detrimental and would add traffic on the side roads and would not conform to a residential neighborhood.

Mr. Kernan asked exactly what is proposed, because the application says two duplexes with a garage with a unit above, but the site plan says three duplex. Mr. Vespia stated that they have septic approval from the county and the health department. He stated they reduced the one duplex to a garage that they can keep somewhat commercial on the Pike. Mr. Sebastian made a statement that commercial was not on the original application. Mr. Vespia said they can make it a second story unit and the garage, but they just thought it would be nice for a small business to have some visibility on the Pike, but nothing that would create a lot of traffic for Harrell Avenue. Mr. Kernan stated that if the use variance were approved, he would have to figure out the bulk standards and setbacks that would be necessary. Mr. Vespia stated they would also like to put curb all the way around. Mr. Kozak stated that would be another issue for run-off. Mr. Kernan stated there are too many things being brought up that would need to be addressed. Mr. Mintzer stated they would like to stick to the original application for this evening, and they would like to withdraw the request for commercial.

Mr. Coe communicated that the applicant must demonstrate the positive and negative criteria during testimony. This proposed project is in a commercially zoned area, the applicant is requesting a residential use and they must satisfy that criteria. Mr. Vespia stated that the detriment would be bringing commercial to that space. He stated the two side roads are residential and the lot is so narrow and there's not much else that would benefit the neighborhood. Mr. Mintzer asked Mr. Vespia if he believed the narrowness of the lot prevented a reasonable commercial use. Mr. Vespia replied yes. Mr. Sander stated that Mr. Vespia just testified that he wanted to provide commercial use on that same lot. Mr. Vespia stated that he brought that up in the event the Board would want something commercial there. Mr. Mintzer explained that Mr. Vespia was trying to utilize the space in the best way by having residential and putting a small commercial use in.

Public Hearings: (continued)

5. #22-56 – Angelina 1, LLC (continued)

Mr., Kernan asked how many bedrooms per unit. Mr. Vespia replied one bedroom and a den. Mr. Kozak asked if they would be rentals. Mr. Vespia replied yes. Mr. Sander asked if it was going to be four units. Mr. Vespia replied that was correct, plus one overtop the garage. Mr. Sebastian stated the plans show two bedrooms. Mr. Vespia explained that was a plan from some of the other facilities they have built in South Jersey. Mr. Kernan asked what is the purpose of the garage. Mr. Vespia stated that would be so people could store their belongings such as deck furniture, or if they have a car. Mr. Colavita asked are there two duplexes. Mr. Vespia affirmed. Mr. Colavita asked how many bedrooms. Mr. Vespia replied one bedroom with a den. Mr. Colavita asked how many garage bays. Mr. Vespia replied three. Mr. Colavita asked if that would be a rental unit on top, and how many bedrooms. Mr. Vespia replied yes it would be a rental unit, there would be two bedrooms. Mr. Kozak asked if there would be individual septic for each one. Mr. Vespia replied yes, fully approved by the county and the health department.

Mr. Sander asked since there would be five dwelling units and three garage spaces, who would get to use the garage spaces. Mr. Vespia replied whoever wants to use them, they would be leased separately. If all three are claimed, whoever is left would have to park in the driveway. Mr. Sebastian asked how many buildings. Mr. Vespia replied three buildings, about 1850 sq. ft. each. Mr. Cumiskey asked, referring to Exhibit 1, it states there would be two two bedroom dwellings. Mr. Vespia stated that the plan shows each unit with two bedrooms but one of those bedrooms would not be a bedroom it would be a den. He further explained in the lease they don't provide the tenant can use that for a bedroom, they restrict it. Mr. Sebastian stated that he is frustrated that the initial plan shows two bedrooms but Mr. Vespia is stating only one bedroom and a den, and why didn't the applicant submit that in the first place. Mr. Vespia replied he didn't want to go through the expense of having the architects draw it up again until they were approved or not for the use variance. Mr. Sander asked Mr. Vespia if he was planning to come back for site plan. Mr. Vespia replied if need be. Mr. Sebastian stated if the use is granted, this Board is going to request a site plan.

Mr. Kozak asked Mr. Vespia if he had made any attempt to sell the property as commercial. Mr. Vespia replied no. Mr. Kozak asked if he made any attempt to sell it or develop it as commercial. Mr. Vespia replied no and he does not believe it's suitable for that. Mr. Mintzer asked Mr. Vespia what his experience is in developing commercial property. Mr. Vespia replied he has been developing commercial property for 40 years in South Jersey. He stated he did an apartment building in Washington Township that the first floor is all seniors and the second floor is all divorced couples. He stated that the divorced couples tell him they don't have anywhere as they usually can't afford to buy in the 55 and over communities. Mr. Mintzer asked Mr. Vespia if he sees a viable commercial use for this property. Mr. Vespia replied no. Mr. Vespia explained since he sees the traffic issues on Grandview, he thought it wise to position the units on Harrell and it would be a limited amount of traffic. Mr. Kozak stated for those exact issues might be why it would be a great position for commercial.

Public Hearings: (continued)

5. #22-56 – Angelina 1, LLC (continued)

Mr. Coe asked Mr. Vespia why wouldn't a commercial use like a professional office not be appropriate. Mr. Vespia replied that the previous owner tried to sell it for years as commercial and couldn't. Mr. Coe asked Mr. Vespia why wouldn't a professional office like lawyer's office or doctor's office be appropriate. Mr. Vespia replied he did not believe it was big enough. Mr. Kozak stated but he believed it was big enough for three duplexes. Mr. Vespia stated if you take a look at the site plan they are small. Mr. Sebastian asked Mr. Vespia why when he purchased the property didn't he make it a condition that it be approved for residential. Mr. Vespia replied that he tried to. Mr. Coe asked Mr. Kernan if he sees any criteria to substantiate or impair the purpose of the zoning plan. Mr. Kernan believes that it would because the lot fronts the Pike, perhaps a mixed use could work there.

Mr. Coe states that the Board has to determine whether or not the testimony has satisfied the positive and negative criteria. Mr. Vespia stated that he believes he provided that as that it is small lot and he doesn't understand why it was zoned commercial in the first place. Mr. Sebastian stated that's because it's on the Pike, and he stated the Mr. Vespia has not proved that there is no commercial interest on the lot. Mr. Mintzer asked Mr. Vespia to explain the current state of commercial market post covid. Mr. Vespia replied that it's been difficult, there are a lot of vacant spaces. He stated the previous owner tried to sell the property several times for commercial use and was unsuccessful. He stated that he has other properties and has trouble finding commercial tenants. Mr. Vespia stated that some towns have worked with them to fix some of the properties. Mr. Sebastian asked how many of those properties were converted to residential. Mr. Vespia replied seven. Mr. Kozak stated that's what they are saying, the applicant hasn't come back with anything to say mixed use.

Motion passed to open the hearing to the public.

1. Ronald Smith of 135 Grandview Avenue was sworn in by Mr. Coe. Mr. Smith stated that the applicant is trying to put in a rental instead of a residential home with landscaping similar to what's already on the street and that would take away from the value of the houses. He stated that he's lived there for 42 years. He stated that the original owner of the land at 130 had passed away and his daughter sold it to Archer's. He stated that he would rather have someone come in and put owner occupied than a rental.
2. William Blong of 152 Harrell Avenue was sworn in by Mr. Coe. Mr. Blong stated that the letter he received in the mail didn't sound like anything he heard here tonight. He stated if the builder wanted to come in and build a couple single family homes he doesn't feel that anyone would have a problem with that. Mr. Coe clarified to Mr. Blong that the property is zoned commercial, so anyone that owns the property can come in to develop commercial activity there. Mr. Blong stated that he is not okay with it being commercial and he would prefer it to be residential and would also prefer not to be rental property because it would

lower the property value. Mr. Blong stated that he didn't think anyone on the street would have a problem if it were doctor's office or lawyer's offices.

3. Jacqueline Lee of 158 Harrell Avenue was sworn in by Mr. Coe. Ms. Lee stated that she is concerned about safety. There's been nothing but accidents in that lot so if they are proposing seniors to live there it's not safe on the Black Horse Pike. She stated that commercial or residential it's a safety issue.

Motion passed to close the hearing to the public.

Mr. Mintzer stated there is clearly a need for rental housing and there's always going to be a 'not in my backyard' issue. He believes they've met the burden of proof to show that advantages of residential in that location. He stated there is clearly a problem getting a commercial use to go in that lot. Mr. Mintzer stated that he believed Mr. Vespa has explained there is no demand for retail commercial spaces and that it would be advantageous to put residential there.

Mr. Coe reviewed the application for the Board. He asked of the Board whether the applicant has demonstrated sufficient special reasons why the proposed use carries out a purpose of zoning or how the refusal to allow the project as proposed would cause the applicant an undue hardship; and has the applicant shown negative criteria. If the Board decides that the applicant has satisfied both negative and positive criteria, the conditions upon approval would be that the variance be conditioned on the applicant coming back for a full site plan approval, satisfy COAH requirements, obtain all outside agency approvals and to satisfy and maintain an escrow account. Mr. Coe reviewed with the Board if they should vote no, that they stated the reasons that the applicant did not satisfy the positive or negative criteria, or both.

Motion to approve by Mr. Kozak, seconded by Mr. Cummiskey. Roll call vote: Ayes- Zero. Nays- Mr. Kozak, Mr. Cummiskey, Mr. Colavita, Mr. Cossaboon, Mr. Powers, Mr. Salvadori, Mr. Sebastian. Abstentions- Zero.

6. #516-SP – Son Raj, LLC, Dr. Greenleaf, LLC, Power Grow, LLC – Preliminary & Final Site Plan

The applicant is requesting preliminary and final major site plan approval for the construction of a 19,930 square foot commercial building which will contain a Class 5 retail cannabis dispensary, a CBD retail store, a Class 2 cannabis processing/manufacturing facility, and a Class 1 cannabis growing/cultivation facility. The applicant received use variance approval from the Zoning Board on April 7, 2022. The property is located at 1851 North Black Horse Pike, also known as Block 201, Lot 46 in the Commercial Zoning District.

Present is Leonard Schwartz, attorney for all three applicants.

Motion passed to deem application complete.

Public Hearings: (continued)

6. #516-SP – Son Raj, LLC, Dr. Greenleaf, LLC, Power Grow, LLC (continued)

Present to testify are Jim Sherrard, William Gilmore, planner engineer, as well as the Board professionals are sworn in by Mr. Coe. Also present are Raj Singh, owner of Son Raj and Dr. Greenleaf and Dave Patel, owner of Power Grow, LLC. Mr. Schwartz explained the location of the project. He stated that the project was previously approved as a restaurant and retail and never followed through on. He explained they were granted by the Board approval for the three separate proposed uses. He stated that everyone that is present can give any testimony today required.

William Gilmore testifies. Mr. Gilmore explained to the Board they upgraded the Stormwater management plan. There will be public water and public sewer and there is an easement in the rear to connect to public sewer they are trying to work out with the current land owner. In meantime, they propose a subsurface septic to service the rear of the building. The stormwater is collected on site in basins connected by pipe to level out, designed up to 100-year storm and drains out to the D.O.T. collection system. They are providing more parking, 46 were required but they are putting in 63 including 3 handicap stalls. He stated that they accounted for the trash truck and fire truck turning radius. Mr. Gilmore stated the driveway is one way around. There is a 10 x14 trash enclosure large enough to fit two dumpsters, and there would be a separate disposal of any waste product. Mr. Kozak asked if there would be a fence. Mr. Gilmore replied not fence is proposed around the property, only around the stormwater basins that would be 4 ft. split rail.

Mr. Sander reviewed his report for the Board. He stated the environmental site assessment was not submitted and asked if they are asking for a waiver. Mr. Gilmore replied that they are. Mr. Sander stated that if the waiver is not granted the application cannot be deemed complete. Mr. Sander stated that the lighting is adequate. He stated the grading is not up to code. Mr. Gilmore stated they are asking for a partial waiver. Mr. Sander stated that the grading and utility plan they submitted looks like they aren't changing anything, there's no contours shown or change of numbers. Mr. Gilmore pointed out that it is shown on the plans. Mr. Sander stated the stormwater management was complied with, the maintenance manual was complied with. Mr. Sander stated that the plan needs to have two spaces for electric vehicle. Mr. Gilmore replied they will amend the plan to show that and include details. Mr. Sander stated he never received architectural. Mr. Schwartz stated they will submit that. He stated that if any conditional site plan approvals are granted he requests that it's conditioned upon submission within 60 days.

Mr. Kernan reviewed his report for the Board. He stated that the bulk variance should be granted. The landscaping plan didn't really show a buffer, the plan that Mr. Gilmore handed out now shows that. Mr. Kernan stated that he believes it's adequate. He also stated that he suggested in his report to make the rear parking for employees only. Mr. Gilmore stated they do approve of that suggestion. Mr. Kernan asked if they have any idea how many would be needed. Mr. Gilmore stated he would leave that for the testimony to answer. Mr. Sherrard stated his credentials before testifying. There would be about for the manufacturing side about ten employees plus five to seven employees on the retail side at any given time.

Public Hearings: (continued)

6. #516-SP – Son Raj, LLC, Dr. Greenleaf, LLC, Power Grow, LLC (continued)

Mr. Kernan stated the dumpster stated they may want to make the trash corral a little wider to fit the dumpsters. Mr. Sherrard added testimony about the State requirements for the trash disposal at a cannabis site. Mr. Kozak asked if the dumpster should maybe be placed in the back corner of the property. Mr. Sherrard replied that the security plan includes covering the dumpster area no matter where it ends up. Mr. Kernan and Mr. Sander both agreed they are satisfied with where it is currently planned. Mr. Sander also commented that one of the lights is very close to the disposal field, depending when the septic field is planned the light might have to be moved. Mr. Gilmore stated they are aware of that. Mr. Kernan stated that the sidewalk also needs to be corrected. Mr. Gilmore agreed.

Mr. Schwartz explained that the security plan has been submitted. They have Mr. Sherrard present to give testimony or answer any questions about that. Mr. Sander stated that he would think the security plan would have gone to the police. Mr. Sherrard replied and stated they did meet with the police, and stated the police chief was satisfied with the security plan. Those plans are not displayed in public for obvious reasons. Mr. Sherrard then provided testimony in great detail to explain the security standards that are required by the State for any cannabis facility and stated the applicants will be compliant with all of those requirements. Mr. Sebastian asked about the plan showing a future grow facility and if they are growing there now when it's built. Mr. Sherrard replied no, the first phase is the dispensary then eventually they will get into the cultivation phase. So right now the product is being brought into the site by random secure deliveries. Mr. Kozak asked how often they would get deliveries. Mr. Sherrard replied maybe once or twice per week.

Mr. Schwartz asked Mr. Sherrard to explain the customer que. Mr. Sherrard explained the customer experience. Mr. Kozak asked about the phases of the operation, but wanted to confirm if the building and the CO would be done all at once. Mr. Schwartz confirmed it would all be done at once. Mr. Schwartz asked Mr. Sherrard to review the possible new ordinance to require armed security. Mr. Sherrard explained that in that event, whatever the township requires is what will be met. Mr. Sebastian asked about them leaving the building, if they just push the bar on the door and walk out. Mr. Sherrard replied yes, it has to be push bar exit for fire reasons. Mr. Schwartz asked Mr. Sherrard to explain odor control. Mr. Sherrard replied the HVAC systems have carbon filters. Mr. Sherrard reviewed the emergency services plan. The employees will be trained in emergency services in case someone falls or injures themselves on site. Mr. Sherrard explained the storefront windows of a cannabis facility have to be blacked out so no one can see in. Mr. Sherrard explained there is no loitering on premise, when the customers leave they have to leave the premise. Mr. Kozak stated that the state has it all figured out as to what is and should be required.

Public Hearings: (continued)

6. #516-SP - Son Raj, LLC, Dr. Greenleaf, LLC, Power Grow, LLC (continued)

Mr. Singh stated they received their conditional license and should be fully licensed hopefully by February. Mr. Kozak asked when they would break ground. Mr. Singh stated they would break ground once they are approved.

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

Mr. Coe reviewed the application for the Board. The conditions are that the applicant will obtain all Township approvals and permits including construction permits and approvals that may be necessary. Street trees shall be added to the applicant's plans, parking in the rear of the building should be designated for employees only. The applicant will comply with any of the statewide non-residential development fee act. The applicant will enter into a developer's agreement. The applicant will comply with all the taxes and fees imposed on sale or transfer of cannabis in accordance with Township ordinance and state law. The applicant will obtain all outside agency approvals that are required. The applicant will comply with all terms and conditions of resolution #12-2022 that granted the use variance. The applicant will provide electric vehicle parking spaces. The applicant will provide architectural plans. The applicant will establish an inspection escrow. All revisions of plans and submission of additional documents shall be provided within 60 days of any approval this evening.

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, 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 to the public.

Reports:

None.

Minutes:

Motion passed to approve minutes from the meeting on October 20, 2022.

Adjournment:

The meeting was adjourned at 9:39 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: Amy Gallagher, Clerk Transcriber