

Call to Order:

The meeting was called to order by Chairman O'Brien who stated the following "It is 6:30 p.m. and this is the regular meeting of the Monroe Township Planning Board. Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 20, 2023; and a copy was posted on the 2nd floor bulletin board in Town Hall and on the Township's website. In addition, notice of this evening's public hearing was published on August 31, 2023. 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. Brown, Mr. Giacomucci, Mr. Helsel, Ms. Kennedy, Mr. Laughlin, Mr. Marino, Mr. O'Brien, Mr. Wolfe, Mr. Young. Also present; Ms. Hyatt, solicitor, Mr. Kernan, Engineer, Mr. VanBernum, Planner, Ms. Orbaczewski, secretary, Ms. Gallagher, transcriber. Excused; Mr. Casper, Ms. Fox.

Memorialization of Resolution:

1. PB-23-23 – Daily Dignity Day Center, LLC – Site Plan Waiver Approved

Motion to approve by Mr. Brown, seconded by Mr. Giacomucci. Roll call vote; Ayes- Mr. Brown, Mr. Giacomucci, Mr. Laughlin, Mr. O'Brien. Nays- Zero.

Minor Subdivision

1. #1870 – Mayo Income Properties

The applicant is proposing to subdivide an existing 10.2-acre parcel into two lots; the first lot to contain 5.19 acres, Lot 8 and the second lot to contain 5.03 acres, Lot 8.01. There are no variances required or requested. The property is located at 1358 Coles Mill Road, also known as Block 7901, Lot 8 in the RD-RR Zoning District.

Robert Smith was present as attorney for the applicant. Also present was John Helbig, professional planner as a witness for the applicant. At this time the Board professional and Mr. Helbig were sworn in by Ms. Hyatt. Mr. Helbig qualified himself for the Board and was accepted as an expert witness. Mr. Helbig briefly reviewed the proposal for the Board and referenced a preexisting conditions survey. Mr. Helbig stated that upon subdivision, each lot would be just over 5 acres a piece. He stated that the site has about 400 feet of frontage on Coles Mill Road. Mr. Helbig stated there is an old abandoned home that will be demolished, and that was included in the Certificate of Filing from the Pinelands. He stated there are wetlands in the rear of the property and that is shown on the plan and was approved by the Pinelands Commission. He added that there is a 300' buffer to the new home and septic system. Mr. Helbig stated that the new plan will be meeting all of the bulk standards in that zone.

Minor Subdivision: (continued)

1. #1870 - Mayo Income Properties (continued)

Mr. Kernan reviewed his report for the Board. Mr. Kernan stated that the general description of proposed drainage facilities should be on the plan, but since they went to the Pinelands and got approval that they shouldn't have to do any drainage improvements. Mr. Smith added that it was not a condition for the Certificate of Filing, but upon applying for the construction permits they will have to adhere to the new codes for the new Pinelands stormwater drainage requirements. Mr. Helbig added they would propose two dry wells on each lot that would comply with the new Pinelands stormwater requirements. Mr. Kernan stated that he is satisfied for completeness. Motion passed to deem the application complete.

Mr. Kernan stated that it is permitted conditionally and since the Pinelands didn't have any issue with it then the Board should not either. Mr. Kernan asked Mr. Helbig about street trees. Mr. Helbig replied they would like a waiver. Mr. Helbig stated the lots are heavily wooded and there is natural vegetation along the road area they would like to try to keep as much as they can. Mr. Kernan stated that he would support a waiver for the street trees and the sidewalks. Mr. Kernan asked about the houses not being 200' from the roadway. Mr. Smith stated that they could not comply with that due to the wetlands buffer in the rear of the property. Mr. Helbig stated that there are other homes in that area that have the same issue.

Motion to approve by Mr. Giacomucci, seconded by Mr. Helsel. Roll call vote; Ayes- Mr. Giacomucci, Mr. Helsel, Mr. Laughlin, Mr. Marino, Mr. Brown, Mr. O'Brien, Mr. Wolfe, Mr. Young, Ms. Kennedy. Nays- Zero.

Public Hearing:

1. #527-SP – MI Developers, LLC – Minor Site Plan/ Retail Cannabis

The applicant is requesting minor site plan approval to change the use of an existing office space into a retail cannabis dispensary. No changes to the exterior of the building are proposed. The applicant is proposing new signage and site improvements. Variances are required for pre-existing non-conforming conditions. The property is located at 1120 S. Main Street, also known as Block 3303, Lot 38 in the RG-C Zoning District.

Tara Vargo was present as attorney for the applicant. Ms. Vargo stated they are requesting variances for 15,151 square feet of lot area where 20,000 is required, front yard setbacks of 35.6 feet and 51.6 feet where 75 feet is required, and a side yard setback of 14.2 feet where 20 feet is required. Ms. Vargo stated they are seeking waivers for ADA parking space width of 11 feet where 12 feet is required, off-street parking of 10 spaces where 19 is required, parking area setback of 4 feet where a minimum of 20 feet is required, and parking stall width of 9'x18' where 10'x20' is required by ordinance. Ms. Vargo stated that some of those conditions are preexisting.

Public Hearing: (continued)

1. #527-SP – MI Developers, LLC (continued)

Jason Sciullo and Amanda Kilroe were both sworn in by Ms. Hyatt. Mr. Sciullo qualified himself for the Board and was accepted as an expert. Mr. Sciullo referred to the site plan and explained that the part of the building they intend to occupy is 1400 square feet, and that there is an existing basement that will not be utilized for this use. Mr. Sciullo stated that they plan to upgrade the accessible ramp that is preexisting. Mr. Sciullo stated that they plan to add vegetation and street trees along the jug handle and Pike. Mr. Sciullo stated that they plan to make the parking spaces compliant, some of the spaces were painted oddly and they plan to clean that up. Mr. Sciullo stated that they would remove one parking space to enhance maneuverability. He stated that 19 parking spaces are required if the entire building would be utilized, but since they do not intend to use the basement, the actual parking demand would be 9.3 spaces.

Mr. Sciullo stated that the bulk variances they are requesting are preexisting and it would be a hardship if they were made to comply. He stated there is a sign that conflicts with the sight triangle that will be removed, there is a noncompliant sign that will be replaced with a compliant sign, they will also replace the sign along the Pike side with a compliant sign. Mr. Sciullo stated that currently the domestic trash at the site is currently picked up by the Township, and that any Cannabis waste will be stored inside and removed as required by the CRC. Mr. Sciullo stated the security plan has been submitted and the Police Department has accepted it. Mr. Sciullo stated there is a designated van loading space for deliveries. Mr. Sciullo stated there will be a security guard at the door to check IDs, the customer will then see the 'Budtender' to complete the transaction. Mr. Sciullo stated that if there happens to be too many people come to the site and there is no parking, they anticipate that since there's no where else to park they will just pass by. Mr. Sciullo stated they are asking for the ADA parking space to be 11' space with a 5' isle. He also stated for the regular parking stalls they are proposing 9' x 18'.

Ms. Kilroe stated that HVAC is operational at the premise. Ms. Kilroe stated that the safety and security plan was approved by Chief Monahan. Ms. Kilroe stated they hours of operation for the public would be 10 a.m. to 10 p.m. and that staff may arrive 1 or 2 hours early or leave 1 or 2 hours after closing. Ms. Kilroe stated all the products are stored in a secure cage that can be retrieved by the employees when the customer is making the purchase. Ms. Vargo stated that the architectural plans show the basement labeled as storage, but the basement will not be used for storage. Ms. Kilroe agreed and stated that all the storage will be on the main floor and the basement will not be used or accessed by the public or the staff. Ms. Kilroe stated that any Cannabis waste would also be stored in the secure area on the main floor. Ms. Kilroe stated there will be no consumption or loitering on the site, and that the security guard will be patrolling the site to ensure that. Ms. Kilroe stated they are compliant with the Township requirements for the Cannabis overlay.

Mr. Kernan stated that utilities locations should be shown on the plans, but he recommends that could be a condition of approval. Mr. Sciullo added that the stormwater facilities and the sewer are shown on the plan but the water meter is missing because it was not able to be seen at the site and they can show it as a condition of approval. Motion passed to deem the application complete.

Public Hearing: (continued)

1. #527-SP – MI Developers, LLC (continued)

Mr. Kernan stated that there lighting on site that spills onto the neighboring lot and he recommends a waiver for that. Mr. Kernan asked Mr. Sciullo to clarify what parking layout shows. Mr. Sciullo stated that they originally would have had 11 spaces but decreased to 10 so they can have better maneuverability in the lot. Mr. Kernan stated that the sketch submitted today showing the turnaround area is the preferred plan, though it reduces the number of parking stalls. Mr. Kernan asked how many employees would be on site. Ms. Kilroe stated that there would be two employees on site and there will be a security guard at the front door. Mr. Kernan stated that with three employees, that would leave only 7 spaces for customers. Mr. Kernan stated he is concerned about the proposed 9' x 18' parking stalls as there is already not a lot of parking for this type of use and the location of the lot is right off a jug handle and also off of a main street. Mr. Kernan stated that the ADA parking space should follow current standards and asked Mr. Sciullo about the current ADA ramp condition. Mr. Sciullo stated that they will regrade the ADA ramp and replace some sidewalk as a condition of approval.

Mr. Kernan stated that the van loading zone should be striped and signed. Mr. Kernan asked about the easement and the trash pick-up. Mr. Sciullo stated that currently the Township picks up the domestic trash, and if they need to they will hire a private company to pick up. Mr. Kernan stated he is concerned with a trash truck turning off the Pike into that easement with traffic. Mr. Sciullo stated that either way they could put the trash at the curb so the trash truck would not need to use the easement. Mr. Kernan stated that he is concerned about there not being enough parking. Mr. Kernan mentioned the comments about the basement not being used and asked if that was the case. Ms. Kilroe stated that the employees will not have access to the basement. Mr. Kernan asked who will own the building. Ms. Kilroe stated there would be a breakroom and bathroom for the employees on the first floor. Ms. Kilroe stated they would lock the basement doors so the staff has no access. Mr. Kernan stated that the square footage of the basement should probably be used for the purpose of parking because that space may be used eventually at some point. Mr. Kernan asked about the sight triangle. Mr. Sciullo stated that at the jug handle they did propose a tree but it can be removed if necessary. Mr. Kernan asked about a maintenance manual for the basin. Mr. Sciullo stated they can put one together.

Mr. VanBernum reviewed his report for the Board. Mr. VanBernum asked about the approvals from the Township and the State. Ms. Kilroe stated they have final approval from the State pending the approval from this Board and Township approval. Ms. Kilroe stated that they secured this property over a year ago and that they had met with the Township. Mr. VanBernum stated that the Township requirements have been addressed. Mr. VanBernum stated that the positive criteria for the bulk variances has been addressed. Mr. VanBernum stated that the parking issue should not be treated as preexisting nonconforming since the use is changing from office space to retail. Mr. VanBernum stated that the ordinance requires the parking calculation to be 19 spaces. Mr. VanBernum referenced the area of the basement marked closet and asked if it was the same as the rest of the basement, not being used. Ms. Kilroe stated that was correct.

Public Hearing: (continued)

1. #527-SP – MI Developers, LLC (continued)

Mr. VanBernum stated that he would like to defer to the Board Engineer about the parking issue and safety of the parking situation. Mr. VanBernum stated that the signage proposed is compliant with the Township code. Mr. VanBernum made some notes about changes they would like to see for the landscaping plan. Mr. VanBernum stated that the garbage was already discussed and asked about the recycling plan for the site. Mr. Sciullo stated that the trash enclosure includes room for a domestic trash tote as well as a recycling trash tote. Mr. VanBernum had nothing further.

Mr. Giacomucci asked how they plan to stop people from parking in the easement. Mr. Sciullo stated there will be signage and they plan to enforce that no one shall park there. Mr. Giacomucci referred to the security plan and asked where on the site the backup generator would be located. Mr. Sciullo stated that it's a small unit and it can fit where the mechanicals are on the easement side of the building. Mr. Helsel stated that he is also concerned about the parking and foresees that people will be parking at the Rush parking lot. Ms. Kilroe stated that they would have security enforce a no tolerance policy and people seen walking from across the street will be turned away from the business. Mr. Marino stated he also agrees the parking is an issue. Mr. Marino asked if the applicant owns the property. Ms. Kilroe stated that they have a purchase agreement with the property owner that once they receive full approval they will complete the purchase. Mr. Marino stated that it's a big difference from a law office to a retail space.

Mr. Laughlin stated that he is also concerned about the parking. Ms. Kennedy asked about how many customers they would be serving in an hour on an average day with only 7 parking spots. Ms. Kilroe stated that she's not sure, but that other locations similar to this size that 6 parking spaces have been sufficient. Ms. Kennedy asked how much time it takes to get in and out. Ms. Kilroe replied that it depends on the consumer. Ms. Kilroe added that a seasoned consumer might be in and out in a few minutes, but that someone new to Cannabis might take about 10 minutes. Ms. Kennedy asked what was the name of this Cannabis company. Ms. Kilroe stated that they have not chosen a name yet.

Mr. Young asked if they would hire help locally. Ms. Kilroe replied they already have an agreement with UFCW Local. Mr. Young also commented about the parking being an issue. Mr. Young asked about a landscaping item on the plan that is a known invasive species. Mr. Sciullo replied that he will fix that. Mr. Brown stated asked if they could get rid of a wooded area on the lot to allow for more parking. Mr. Sciullo replied that they did consider that but it would not have offered any more parking. Mr. Wolfe stated they did meet with the applicant and they do support bringing new business. Mr. Wolfe added that he does share the others' concerns about the parking. He noted that the Township does not pick up commercial trash as it was stated in testimony so that would need to be addressed by the applicant if approved.

Motion passed to open the hearing to the public.

- a. Brittney Bailey of 8 Sicklerville Road, Cedarbrook. Ms. Bailey stated that she is co-owner of Releaf Cannabis, LLC that is set to open practically across the street of this application site. She stated that having another Cannabis business in such close proximity might not be good for the Township's planning potential.

Public Hearing: (continued)

1. #527-SP – MI Developers, LLC (continued)

Motion passed to close the public portion.

Ms. Hyatt asked if they proposed a sign on the Black Horse Pike. Mr. Sciullo stated there is a sign on the Black Horse Pike and on Main Street.

Ms. Vargo summarized the application for the Board. She mentioned that there was testimony that the basement will be locked off from the employees. Ms. Vargo stated that the business area on the first floor should not include the basement in the parking calculation. Ms. Vargo stated that positive criteria has been shown. Ms. Vargo stated that there was testimony about a hardship as related to the preexisting conditions. Ms. Vargo stated there is no detriment to the zoning plan and this is a permitted use.

Ms. Hyatt stated that there was a letter submitted from the public and the Board members have a copy of it as well as the applicant. Ms. Vargo stated that the witness testimony should not be considered since they are not present to be cross examined.

Motion to approve by Mr. Helsel, seconded by Mr. Brown. Ayes- Mr. Brown. Nays- Mr. Helsel, Mr. Giacomucci, Mr. Laughlin, Mr. Marino, Mr. O'Brien, Mr. Wolfe, Mr. Young, Ms. Kennedy.

Public Portion:

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

Minutes:

Motion passed to approve the minutes from the August 10, 2023 meeting. Mr. Wolfe, Mr. Marino, Mr. Laughlin, Mr. Helsel, Ms. Kennedy abstained.

Reports:

Ms. Orbaczewski stated there are no applications on for the next meeting but we will do resolutions. She also stated there is a stormwater training required by the State that Ms. Hyatt will go over.

Adjournment: The meeting was adjourned at 8:24 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