

**Call to Order:**

The meeting was called to order by Chairman O'Brien who stated the following "It is 6:35 p.m. on November 16, 2023 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 2<sup>nd</sup> floor bulletin board in Town Hall and on the Township's website. In addition, notice of this meeting's public hearing was published on November 6, 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. Marino, Mr. O'Brien, Mr. Wolfe, Mr. Young. Also present; Ms. Hyatt, solicitor, Mr. Kernan, Engineer, Mr. Dochney, Planner, Ms. Orbaczewski, secretary, Ms. Gallagher, transcriber. Excused; Ms. Fox, Mr. Laughlin.

**Memorialization of Resolutions:**

1. PB-30-2023 - #1872 – Monroe Township/Newfield Bank – Minor Subdivision Approved

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

**Public Hearings:**

1. #533-SP – Hedgerow, LLC – Minor Site Plan

The applicant is requesting minor site plan approval to allow a retail cannabis facility in an existing 4,667 square foot, 1-story masonry building along with associated site improvements. The property is located at 1250 N. Black Horse Pike, also known as Block 1102, Lot 30 in the Commercial Zoning District.

Pat McNamara was present as attorney for the applicant. Mr. McNamara brought forward his witnesses; Bill Bieron, architect, Michael Pucci, engineer, Ellie Siegel, Cannabis consultant, Celine Sargent, CEO of Hedgerow, John Taikina, planner and all were sworn in by Mr. Hyatt. Mr. Kernan stated there were a few issues for completeness. Mr. Kernan supported a waiver for the map key and stated the rendering of the building would be submitted this evening so he was satisfied with that. Motion passed to deem the application complete.

**Public Hearings:** (continued)

1. #533-SP – Hedgerow, LLC (continued)

Ms. Sargent briefly reviewed the overall opening to closing operations. Ms. Sargent stated that the typical staff could be from 4 to 9 people. Ms. Sargent stated the hours would be within what the ordinance allows from 10 a.m. to 10 p.m. and may adjust that depending on business. Ms. Sargent stated that they have worked with a Cannabis security professional to design and implement their system. She stated there would be continuous video surveillance, there are locking and reinforced doors, the vault is internally located and they plan to use experienced security staff. Ms. Sargent stated that security would verify customers age and control the flow of customers into the building. Ms. Sargent stated that the delivery receiving area is enclosed so the delivery vans can enter the bay and the garage door can be closed to ensure the safety and security of the delivery persons and staff. Ms. Sargent stated that there would not be tractor trailers delivering to the property only cargo vans. Ms. Sargent stated that the deliveries would usually happen throughout the day.

Ms. Sargent stated the customer is greeted by security and their ID is checked, then they will enter the store and be greeted by the receptionist to see what type of order they have online or instore. They will have an internal pick-up window for online orders to make the customer line go more smoothly. Ms. Sargent referenced the floor plan exhibit and described each area of the building internally. She stated they would have an art display, an ATM and drinking fountain for customers. Ms. Sargent stated the POS system can use debit cards but they will also have an ATM on site. Ms. Sargent stated the entrance is one way and there will be a separate one-way exit.

Mr. Bieron stated the building is 4,667 square feet. Mr. Bieron stated they plan to make a few minor changes to the exterior of the building on the front and left sides. He stated the colors are intended to remain the same. Mr. Bieron referenced a colorized version exhibit, he stated that they plan to use the existing signage with modifications but may apply later if any variance is needed. Ms. Hyatt asked Mr. Bieron to mark the exhibits. Mr. Bieron stated that the schematic floor plan will be SD1 and the security plan will be marked SD2.

Mr. Pucci referenced the survey of the property. He described the property and existing conditions, along with the proposed changes. He stated they are proposing a parking lot in the rear for 22 spaces. He stated they plan to restripe the parking in the front to create 8 spaces for a total of 30. Mr. Pucci stated there is a net increase of a couple thousand square feet of impervious surface and that project is exempt from stormwater management regulations. Mr. Pucci stated that they propose no new curbing but creating the new pavement so that the water sheets off to the northwest into the vegetated area between the parking lot and Ketel Avenue. Mr. Pucci stated they comply with all the bulk requirements. Mr. Pucci stated they are requesting parking stalls to be 9' x 18'. Mr. Pucci stated that they are requesting a handicap stall to be 8 and 8 to be ADA compliant for van accessible. Mr. Pucci stated they are showing one EV space, but they will make 2 EV spaces to comply with the parking ordinance. Mr. Pucci stated they originally proposed a fence around the parking area, but have since eliminated that idea. Mr. Pucci stated they will comply with the lighting requirements and the comments from Mr. Kernan.

**Public Hearings:** (continued)

1. #533-SP – Hedgerow, LLC (continued)

Mr. McNamara stated that he also has the planner, Mr. Taikina available if anyone has questions. Mr. Pucci added that the existing parking in the front of the building has curb stops and they are requesting a waiver to not have to add vegetation between the parking and the building.

Mr. Kernan stated that the application requires written description of the business operations but he is satisfied with the testimony that was given tonight and supports a waiver. Mr. McNamara stated they can submit something as part of the resolution compliance if the Board wishes. Mr. Kernan agreed. Mr. Kernan stated he recommends that the Board grant a waiver for the lighting. Mr. Pucci stated they will work with him to comply with the ordinance. Mr. Kernan stated that there is a curbed area in the front parking lot with railroad ties and the State will probably want that to be curbed anyway. Mr. Pucci stated they will do whatever the State will require of them. Mr. Kernan stated that he agrees with the requested waiver to not put curbing on the eastern side of the driveway so the drainage will sheet flow off the parking lot onto Ketal.

Mr. Kernan stated that he supports a waiver for the applicant to not provide curbing in the rear parking lot. Mr. Kernan stated that he supports the requested parking stall size. Mr. Kernan asked for a condition of approval that the applicant provide a turning radius template for the parking stall closest to Ketal in the front lot. Mr. Kernan is satisfied with the number of proposed parking stalls. Mr. Kernan stated that sidewalks are not proposed and there aren't any in the area. Mr. Kernan stated that the sight triangle should be shown on the plan. Mr. Pucci agreed they would comply. Mr. Taikina reviewed some of the waivers they are requesting that were already discussed. Mr. Dochney stated that his only comments not addressed are that the dumpster enclosure should be added to the plan. Mr. McNamara stated the fencing might be board on board but they will comply with the requirements. Mr. Dochney stated that the tree protection should be added for construction. Mr. Pucci stated they will be shown on the revised plans. Mr. Dochney is satisfied with the EV parking.

Mr. Wolfe asked about the curbing on Ketal Road but agreed that lack of curbing as testified to makes more sense. Mr. Young asked if they could modify the plant list to include more native plants. Mr. Pucci agreed. Mr. Helsel asked if they could turn the lighting after hours. Mr. Pucci stated they agreed to Mr. Kernan's comment and the lighting would be on a timer. Mr. Marino asked if the site circulation could be a horseshoe in order to avoid using Ketal. Mr. Pucci stated they considered that but there is not enough room for that to be feasible. Mr. Marino asked if there was any buffer in the back lot. Mr. Pucci stated there are existing trees and they are not disturbing any of those. Mr. Pucci added that there is a fence behind the trees that belongs to lot 31 and it's 4 to 5 feet on the subject property, but they do not intend to touch the fence they will work something out with the lot owners.

Mr. Marino asked how the elevation of Ketal would direct the water draining off the property. Mr. Pucci stated that the water flows toward the west and north, toward the front of the property and toward Ketal away from the residential area. Mr. Marino asked if the ADA parking signage would

**Public Hearings:** (continued)

1. #533-SP – Hedgerow, LLC (continued)

be on a bollard. Mr. Pucci stated they are mounted on the building but they can compromise if the Board requires it. Mr. Giacomucci asked if the pick-up window was external. Ms. Sargent stated it is inside the building. Mr. Giacomucci asked if there would be odors coming from the building. Ms. Siegel stated that the products are prepackaged in sealed packages and there should not be any consumption on the property either. Mr. Giacomucci asked about the dumpster pick up. Mr. McNamara replied that it would be off hours and would not bother the neighbors. Ms. Siegel stated that the trash would only be household trash and if there were any issues with the product, they would go back to the manufacturer, product is not placed in the trash bin.

Motion passed to open the hearing to the public.

- A. Michelle Profico of 353 Ketal Avenue was sworn in by Ms. Hyatt. Ms. Profico stated that she lives in the middle of the block and she has always had a problem with drainage. She stated that people who bought drugs from a dealer in Brookdale would come out front of her property and do their drugs and she would often call the police. She is concerned with people parking and driving on her lawn.
- B. Laura Dellavecchia of 335 Ketal Avenue was sworn in by Ms. Hyatt. Ms. Dellavecchia stated that they didn't have any traffic from the previous businesses at that location. She is concerned about not being able to walk her dog on the street. She is concerned about people walking down the street and stealing from her property.
- C. John Gerkey of 338 Ketal Avenue was sworn in by Ms. Hyatt. Mr. Gerkey stated that the parking lot should be left turn only to the Black Horse Pike. Mr. Gerkey is concerned about the smell.
- D. Connie Passaro of 334 Ketal Avenue was sworn in by Ms. Hyatt. Ms. Passaro stated that she is adjacent to the parking lot area. She is concerned about the turn off the Pike onto Ketal. She is concerned about the traffic. Ms. Passaro stated the hours of 10 to 10 are not reasonable. She is concerned about product going into the trash. Ms. Siegel replied that it is returned to the manufacturer. Ms. Passaro is concerned about the customers in line outside the building. Ms. Sargent replied that there will never be a queue outside. Ms. Passaro asked if there would be a fence around the parking lot. She is concerned about the noise.
- E. Michelle Profico was concerned about the police response time.
- F. Paul Dellavecchia of 335 Ketal Avenue was sworn in by Ms. Hyatt. Mr. Dellavecchia is concerned about traffic on Ketal Avenue. He is concerned about drainage. Mr. Dellavecchia stated that the applicant is probably paying a lot of money to do this. Mr. McNamara objected to the attack on her character and added they have done their diligence to prepare this application for a use that is allowed in this zone. Mr. McNamara added they cannot fix roads that are not their property. Mr. Dellavecchia is concerned about the trash truck maneuvering. He is concerned about customers queueing outside the building. Mr. Wolfe added that loitering is not permitted by Town ordinance. Mr. Brown added that the building is big enough for everyone to be queued inside the building. Ms. Hyatt added that

**Public Hearings:** (continued)

1. #533-SP – Hedgerow, LLC (continued)

if there are queueing violations the company could be cited and taken to court. Mr. Dellavecchia is concerned about the lighting after hours. Mr. Pucci replied that they will have the lighting on a timer after hours. Mr. Pucci stated they will be providing shielding on the lighting to be contained within the property. Mr. Dellavecchia asked if there were any hazmat concerns. Ms. Siegel stated the products are sealed. Ms. Siegel added that if an opened product is returned that is returned to the manufacturer not placed in the trash. Ms. Siegel added that the State regulations are stringent and this application is focused on complying with those regulations as well as on the Municipal level.

- G. Albert Profico Sr. of 353 Ketal Avenue was sworn in by Ms. Hyatt. Mr. Profico is concerned about the impact to the residents on Ketal Ave. Mr. Wolfe stated that this type of business is permitted at this property in this zone. Mr. Profico is concerned about his property value. Ms. Siegel replied that the security added to this site could benefit the community. Ms. Siegel replied that most often this type of business does not bring property value down.
- H. Michelle Profico is concerned about a prisoner release program employing convicts at the Cannabis facility. Ms. Siegel stated the applicant is not opting to be part of that program at this time.
- I. Laura Dellavecchia is concerned about security and traffic. Ms. Dellavecchia said she does not want the variance. Mr. Kernan corrected that there are no variances requested. Mr. Dochney added they are compliant with the code they are not seeking any variances. Ms. Dellavecchia stated the applicant said they aren't putting the fence up anymore. Ms. Siegel stated that the applicant originally requested a variance to make the fence higher than what is permitted, but the applicant has decided to not place a fence.
- J. Paul Dellavecchia asked what the customer turnover would be in a 12-hour day. Ms. Siegel replied that they would rather not guess. Mr. Dellavecchia is concerned about the traffic.
- K. Michelle Profico wanted the Board to put the vote off in order to visit the site first. Ms. Hyatt stated the Board is not legally required to visit the site. Mr. Wolfe stated that he is very familiar with the area as are many of the other members. Mr. Wolfe added that this application meets all the requirements for this zone and they are not asking for any variances.

Motion passed to close the public hearing.

Ms. Kennedy asked if the applicant had considered an electronic queueing system if they were at capacity. Ms. Sargent replied the facility is far larger than the Botanist and they do not anticipate nor will allow people to queue outside. Ms. Sargent added they will be able to control flow through online ordering as well. Ms. Hyatt asked if the 4 to 9 number of employees included security. Ms. Sargent replied yes, and that may be changed as business dictates. Mr. Wolfe asked what a typical time frame is that a customer would be in the store. Ms. Sargent stated that depends on the customer, it could be 2 minutes to 15 minutes. She explained that an experienced customer would be in and out, and new customer might be there longer to get a better understanding. Mr.

**Public Hearings:** (continued)

1. #533-SP – Hedgerow, LLC (continued)

Giacomucci spoke to the public that the Township is permitted a total of eight licenses allowed so all the traffic would not necessarily be all going to this one facility for their product. Ms. Siegel added that this location is so much bigger than The Botanist so they do not anticipate people being outside in line. Mr. Wolfe added that the State has strict regulations regarding Cannabis facilities. Mr. Wolfe asked Mr. Kernan if there was any way the applicant could make the parking lot exit a left hand only so it funnels people to the Pike instead of going down Ketal. Mr. Kernan agreed. Ms. Hyatt asked about the state license. Ms. Sargent replied they are conditionally approved with the State and ready to convert if they are approved this evening. Mr. Pucci stated they have no objection to make that a left turn only when exiting the parking lot.

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

2. #1873 & #532-SP – Heritage Dairy Stores, Inc.

The applicant is proposing to subdivide existing Lot 1 into two lots for the construction of a convenience store on proposed lot 1.01. Proposed Lot 1.01 will contain (3) acres and the remainder of the lot will contain 18.9 acres. The applicant also seeks preliminary and final major site plan approval for the construction of a 3,390 square foot convenience store with associated site improvements. The property is located on Fries Mill Road and Route 322, also known as Block 14101, Lot 1 in the Commercial Zoning District.

Peter Flannery was present as attorney for the applicant. Also present was Skeeter Heritage, President of the company, Jay Sims, engineer, James Miller, planner, Michael Brown, traffic engineer were all sworn in by Ms. Hyatt.

Mr. Sims referred to an aerial shot of the site marked as A1. Mr. Sims described the area and surrounding points. Mr. Sims explained that the subdivision will allow for a 3-acre lot for Heritage's Dairy Store. Mr. Sims referred to the site plan marked A2. Mr. Sims stated they have been working with the County to include the road improvements on all their plans at that intersection. Mr. Sims stated there are 50 parking spaces along with 3 long spaces for truck parking in the rear. Mr. Sims stated that the loading area is also in the rear to pull in and pull straight out. Mr. Sims stated that the lighting will be 16' high LED, he added there is one light on the plan marked as 18' but that is an error and will be corrected to be 16'. Mr. Sims stated that the stormwater will be connected to the County basins on Fries Mill Road.

Mr. Kernan stated the minor subdivision has two items missing from the plan. Mr. Kernan stated he recommends a waiver for the plan including all the property owners within 200'. Mr. Kernan stated that he would waive the requirement since the subdivision will be filed as deed and not plat.

**Public Hearings:** (continued)

2. #1873 & #532-SP – Heritage Dairy Stores, Inc. (continued)

Mr. Kernan stated that the utilities should be provided on the plan, but this is an antiquated requirement. Mr. Kernan stated that the will serve letters should also have a waiver. Mr. Kernan asked for testimony on the business operation. Motion passed to deem the application complete. Mr. Kernan asked if the lighting would be on timers. Mr. Sims replied yes. Mr. Kernan stated that the applicant has indicated they will be moving the entire project a bit to the east which would eliminate one of the parking waivers requested. Mr. Kernan stated that the site is on a State highway and County road that are both undergoing improvements at this time. Mr. Kernan stated that the neighboring property is really not being impacted by this project. Mr. Kernan stated the flow of traffic on the east side of the property might have an issue because there's no traffic control there and suggested a stop bar or signage.

Mr. Dochney stated that the front yard set back and only one row of parking are variances requested. Mr. Dochney stated the ATM sign and the Heritage's sign are shown on the plan as separate on the pilon sign. He asked if they could stick the two together so that a variance is not needed. Mr. Heritage replied that could undermount the ATM sign if necessary. Mr. Heritage agreed that they could combine the signs. Mr. Dochney stated the bulk requirements are satisfied as well as design requirements for this building. Mr. Dochney asked why the drive isles were 35 feet wide.

Mr. Sims referred to exhibit A3 which is a 3D perspective layout of an existing Heritage's store in another location. He stated that the site is similar overall. Mr. Heritage explained the overall operation of the business and what they offer. He stated the hours of operation would be 5 a.m. to 10 p.m. Monday through Friday, 6 a.m. to 10 p.m. on the weekends. Mr. Heritage stated there would be about 18 to 24 employees for this location with 4 to 7 employees on each shift. Mr. Heritage stated for their truck deliveries they have 12 different vendors and would likely get 26 deliveries throughout the week. Mr. Heritage estimated that the busiest time of day could see between 100-120 customers in an hour. Mr. Wolfe asked if they plan on closing the store on 322. Mr. Heritage replied that he does not intend to close that location.

Mr. Miller stated that the improvements they are proposing are appropriate for the use and location. He stated that the bulk variances are required due to the building setbacks and parking standards. Mr. Miller stated that the loading and truck parking are screened from the public and parking area due to the way the site is situated. Mr. Miller stated the wider drive isle makes the parking circulation better. Mr. Miller stated they still need relief for the parking area along 322 side of the property. Mr. Miller stated that he believes there is no significant detriment and he believes it satisfies the positive criteria. Mr. Miller stated they are asking for a waiver for the foundation plantings. Mr. Young asked if the plants on the plan could be more native species. Mr. Miller agreed.

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

**Public Hearings:** (continued)

2. #1873 & #532-SP – Heritage Dairy Stores, Inc. (continued)

Mr. Helsel asked if they plan to use local contractors. Mr. Heritage replied that job would go out to bid. Mr. Helsel stated they would like to use local labor.

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

**Extension Request for Board Action:**

The applicant is requesting a one-year extension on his final site plan approval for application #511-SP/Krupa Realty/Express Self Storage. The property is located on Route 322 and Jobs Lane, also known as Block 13601, Lots 30 & 31 in the Commercial and R-2 Zoning Districts. The applicant was granted final major site plan approval on October 13, 2022 by Resolution PB-26-2022.

Motion to approve by Mr. Helsel, seconded by Ms. Kennedy. Voice vote; All ayes.

**Public Portion:**

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

**Reports:**

Mr. Wolfe spoke to the Board professionals regarding trash collection reimbursements to neighborhoods with HOAs. He added that it is no longer cost effective so they would like that to be addressed for future projects to get municipal trash pick-up. Ms. Orbachewski reminded the Board the next meeting is Monday, December 4<sup>th</sup> at 6:30 p.m.

**Adjournment:**

The meeting was adjourned at 9:00 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