

TOWNSHIP OF SADDLE BROOK

ZONING BOARD OF ADJUSTMENT MINUTES

December 4, 2023 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday December 4, 2023 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

3. OPEN PUBLIC MEETING ACT: adequate notice of this meeting has been sent to all members of the Zoning Board and to all legal newspapers in Accordance with all the Provisions of the "Open Meetings Act", Chapter 231, P.L. 1975.

4. ROLL CALL

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Mr. Manzo, Ms. Nobile, Mr. Duffy – present. Mr. Champy and Mr. Tokosh are absent. Anthony Cialone the Board Attorney, Anthony Kurus the Board Engineer and Gary Paparozzi the Board Planner are also in attendance.

Mr. Duffy calls Mr. Manzo up to sit in for Mr. Tokosh who is absent.

5. NEW BUSINESS

Mr. Duffy switches up the order and brings up EPIC Inclusive Communities first.

C.) EPIC Inclusive Communities (d/b/a EPIC-IC), 224 Midland Avenue, Block 101, Lot 5

Applicant requests to open a non-residential day program for adults with autism that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Mr. Cialone checked over the noticing documents and found that it was not complete and that the application cannot be heard as the Board does not have jurisdiction.

The applicant will need to notice again and will be added to the January 8, 2024 agenda.

A.) Marjorie Miller, 110 Graham Terrace, Block 1509, Lot 8

Applicant was approved for a 15' x 30' in ground pool with associated pavers at the September 12, 2022 meeting and the resolution was approved at the October 3, 2022 meeting. **(The applicant is requesting a one year extension as they were unable to start the project within the allotted time period).**

Mr. Duffy – Ms. Miller has provided a letter that should have been in your packets requesting the same.

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Mr. Cialone asks the Board Secretary for the date of publication for the Miller application and he says he will look it up and email the information to him.

Mr. Schilp makes a motion seconded by Ms. Murray to approve the request for a one year extension.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Mr. Manzo, Mr. Duffy – YES

B.) Inhale Industries Inc., 249 Route 46, Block 120, Lot 5

Applicant requests a microbusiness cannabis cultivation and retail establishment that does not conform the Zoning Ordinance for the Township of Saddle Brook, as it exists today. **(Applicant was carried without further notice from the October 2nd meeting due to a request from the owner of a neighboring property objecting to the application and requesting an adjournment so they may be heard at the November 6, 2023 meeting. The applicant did not complete their testimony at the November meeting and have been carried to the December 4, 2023 meeting without further notice).**

Allyson Kasetta comes forward she is the attorney representing this application.

Ms. Kasetta – We started our testimony at last month’s meeting. We presented our architect and a representative of the applicant. The Board then asked for some more information particularly as to the interior programming within the proposed facility, roof top equipment things like that so we did submit a revised architectural plan a few weeks ago. We had to shuffle around a little bit with our project team for tonight’s meeting so I do again have the same representative of the applicant a different architect from the same firm. He’s the partner of Mr. Kaplan who was here last month so I’d like to call them both back up. We can have this architect sworn because I think they can both walk you through what we submitted and what’s proposed to occur in this space.

Kevin Oliver who is the partner of the architect from the previous meeting comes forward and is sworn in by Mr. Cialone. He gives his business address as 7100 Euclid Avenue, Suite 200, Cleveland, Ohio 44103. Ms. Kasetta questions Mr. Oliver to establish his credentials and he is accepted by the Board as an expert witness.

Mr. Dellavecchio who testified at the last meeting also comes forward as a witness and is still under oath from the previous meeting.

Ms. Kasetta – If you would walk the Board through the interior spaces based on the additional details we’ve provided.

Mr. Oliver – They start on sheet A-110. As before the dispensary portion is closest to the street. On the bottom of the page and the cultivation portion is in the rear.

Mr. Paparozzi asks for the date of the drawings for the record.

Mr. Oliver – It’s dated December 4, 2023. Entering the dispensary we have a dedicated entry and check-in vestibule where persons entering have their ID validated and the credentials checked for entering the dispensary. Immediately adjacent to that is dedicated exit vestibules. That’ll help keep those people who have already made their purchase in a different flow pattern from those who have made their purchase and are exiting and within the dispensary there’s the six checkout stations at the counter. To the left of that area is some wall shelving, retail space, central display case as you move to the left a restroom and a security office for the security personnel and equipment monitoring the space as well. Moving further back into the space is the employee side of things where fulfillment and vault work together. The vault is where product is stored. Fulfillment is where orders are fulfilled once they’re placed. Product coming out of the vault or being temporarily stored at fulfillment during the day all that product goes back into the vault at night. Also indicated there and throughout this plan are the active charcoal filter systems that are in the space to mitigate odors. All the products are sealed but we do recognize there is a need for these charcoal filters to mitigate any odors that might exist. Then as you make that dog leg up the rear to the intake area that’s the door where product comes in. A separate path from customers entering so our customers enter the front space product enters the rear space so that the transaction happens at those POS stations in two separate traffic flows. Moving on to the cultivation side we have the sort of work horse areas of the cultivation which are the flower room, the mother room and the vegetation room. Plant material in the center section is where the mother room is that is where all the plant material comes from clones that are smaller plants grown in that area. Once those are taken they’re moved into the vegetation room which is towards the rear of the building. That’s where plants are located in racks that mature to a point where they’re ready to go to the main flower room where those larger mature plants are on racks with lighting, irrigation and air flow to grow them to the point where they’re ready for harvest. Once that

happens that material is moved out of the flower room into the drying room where it's dried out to the point where it's ready to be processed into product into the trimming area so that the actual product is trimmed and separated from waste material into its own vault while it's waiting for it to be distributed to processors and other locations outside the facility. Adjacent to that area on the right hand side is a common break area, men's and women's restroom, janitor's closet, office, the IT room to handle all of the servers and racks and video equipment for security system low voltage technology. Over on the left is the mechanical equipment room where the irrigation and fertilization equipment exists so the water irrigating the Mother Room, Flower Room, Veg Room is fertilized within our space and then there's a drip irrigation system to all the plants so it is dosed directly at the plant there's nothing spraying water everywhere. If you're doing that you're doing it wrong, quite frankly. Then the dedicated delivery and intake bay where vehicles will be able to pull in to deliver material or to pick up product for delivery other places from the facility there. I think with maybe the exception of the exact configuration of the drying room, the trimming room the addition of the dedicated exit vestibule the plan is as it was presented previously just with additional information.

Ms. Kasetta – Mr. Chairman a quick question. We do have some exhibits to further illustrate what the interior will look like. Would you like us to enter those now or would you rather he continue his testimony as to the plan? I just want to get your input as to what would be most efficient.

Mr. Duffy – Those items would be relative to what he's talking about right now so I would introduce them.

Ms. Kasetta – At the last hearing we marked A1 which was the colorized site plan. These are a series of four photos A2, A3, A4 and A5 and they are a series of photos to show you what the inside will look like. This is specific to the cultivation part correct.

Mr. Oliver – Correct.

Mr. Duffy – These are from another location that you've done.

Mr. Oliver – Yes.

Mr. Schilp – In the mechanic room on the left it says 500 gallon water tanks how many tanks are we having here?

Mr. Oliver – it will vary depending on the exact configuration once the engineering is done but we're proposing in this three tanks that will store the water. One for the vegetation type functions and then another two dedicated to the flower room. Those different areas get a different mix of nutrients going to them. It's not a one size fits all irrigation and irrigation strategy.

Mr. Schilp – How does the water get from the tanks to the various rooms?

Mr. Oliver – There's a system of piping and valves and manifolds that are controlled digitally to integrate with the climate control systems of the rooms. There's a series of pumps that take that fertilizer and when it calls for fertilization or irrigation distributes that to the plants. Typically what happens is the fertilization and irrigation the temperature and humidity systems are all run by a controller that monitors those systems and allows the cultivator to program in I need this much relative humidity at this temperature and when my moisture level of my plants drops to this level we're going to irrigate and fertilize. That whole system tends to work in concert and I don't want to speak to the challenges of the industry but that tends to be one of the trickier things to balance.

Mr. Schilp – How many fertilizer tanks are you going to have or is that counted in the other tanks?

Mr. Oliver – It's these three nutrient injectors so basically water comes in the nutrient injectors there's a manifold of those that dose their particular nutrient into the mix that's going to whichever tank it's going to and then that water is held in those tanks waiting to go to be distributed when needed. The amount of water incoming is a standard water service. There's no need for a three inch water line coming in. It's a domestic size water line usually an inch and a half that you'd have for a restaurant space maybe. We're not bringing in hundreds of gallons of water a minute. It's really the storage tanks are there to once it's been you know.

Mr. Schilp – All the tanks are not going to be pure water.

Mr. Oliver – Correct.

Mr. Schilp – Are these lines overhead or are they in the ground or laying on top of the concrete that you're walking on?

Mr. Oliver – The irrigation lines run up and overhead so they'll run overhead and I think some of those photos might show in the rack systems.

Mr. Schilp – It'll be similar to a sprinkler system.

Mr. Oliver – The lines will run similar to a sprinkler system but the termination they feed into.

Mr. Schilp – The pipes are overhead and they're going to drop down.

Mr. Oliver – Correct.

Mr. Schilp – That's no problem. I got the flower room photo is that building sprinkled?

Mr. Dellavecchio – Yep.

Mr. Schilp – So there's sprinklers on the top and the other ones go through the lines in here all right. You have pumps for this system.

Mr. Oliver – Correct.

Mr. Schilp – They'll be by the tanks I'm guessing.

Mr. Oliver – Typically they sit in that same area near the tanks. It's sort of one location so that as adjustments need to be made someone's not running around the entire facility to do it.

Mr. Schilp – Okay that's all I got right now.

Mr. Duffy – Can we just go back to these for a moment. What was their order?

Mr. Cialone – They're just A2 to A5 we didn't specify which ones.

Mr. Duffy – Okay.

Mr. Dellavecchio – I put them in growth stage order so if you want to put vegetation first, flower second, drying third and then trimming fourth. That would be the process.

Mr. Duffy marks the exhibits accordingly.

Mr. Oliver – I'm going to the next page which is A-140 again dated December 4, 2023. This is a roof plan drawing showing proposed locations of the air handlers and mini split systems for the facility. The air handlers are determined and finalized when the engineering of the facility is completed. As I mentioned before the temperature and humidity are the trickiest component of this to keep these rooms the right temperature and the correct humidity. Those would sit in the rear half of the building along with the mini split systems for areas that require dedicated temperature control. An IT room that is always going to need to be cooled all year long even if it's five degrees outside that's when we use those kinds of things. Some of the propagation rooms require that in addition to the other mechanical systems going into it but they will be located at the rear of the building keeping them away from the front of the building so that what they're doing is removed from the more public façade of the facility there showing the existing roof to remain. The parapet height that we're going to increase at the entry and the new steel canopy that we're proposing at the main elevation.

Mr. Paparozzi – Are the air handlers used for the filtration or just for noise? The exhaust I thought we were going to see where that was going. I thought it was on the roof.

Mr. Oliver – The rooms themselves are self-contained so they don't exhaust to the outside.

Mr. Paparozzi – The odor stays contained inside the room is that what you're saying?

Mr. Dellavecchio – Are you worried about odor you're thinking it's exhausting out of the building. No our system is going to be a sealed climate controlled environment so if you go to the previous page they'll be activated carbon filters that cap exhaust. In the flower room you'll see little I don't know how to explain them.

Mr. Oliver – Diagonal hatched areas.

Mr. Dellavecchio – Like in the center of the room and there are four of them. Those would be like fourteen inch carbon activated filters and the idea is the air gets sucked in through there scrubs the room constantly so we never have to exhaust any air out so we have no odor issues going outside. We never exhaust any air going out from any buildings.

Mr. Duffy – It scrubs the odor internally.

Mr. Dellavecchio – This room is about 20,000 cfm and these are rated at 3,000 cfm so I can scrub those rooms every thirty seconds meaning that air is going to go through that filtration system and just keep circulating and taking out the odor.

Mr. Duffy – It looks like on a piece of heavy equipment they put scrubbers on the exhaust systems to pull the carbon monoxide out so you're not exposed to carbon monoxide when you're standing behind the exhaust.

Mr. Dellavecchio – Correct like a catalytic converter.

Mr. Duffy – Yeah similar but the scrubbers they clean the air more so there's no if they're used inside someplace in a warehouse they don't pollute the air.

Mr. Dellavecchio – Correct.

Mr. Duffy – So this is all self-contained.

Mr. Dellavecchio – Yes. Some systems do exhaust but that's not our system.

Mr. Paparozzi – Go back to A-140 I thought the generator was being put on the roof is that not the case?

Ms. Kasetta – We're not showing a generator on the roof and the engineer will get into that because in reviewing the application and the resolution from the previous cannabis application for this property they did show a concrete pad on the ground so we'll get into that in the engineering testimony. We could do the same thing we're not showing it on our site plan but.

Mr. Paparozzi – There's no revision on the engineering.

Ms. Kasetta – No.

Mr. Paparozzi – That's all I have Mr. Chairman.

Mr. Oliver – Moving on to A-200 again dated December 4, 2023 the top of the sheet shows the proposed front elevation with a raised parapet, new canopy, aluminum and glass store front system at the entry and then the exit door coming from it's dedicated vestibule. To the right is a conceptual three dimensional view of how that would look again with the raised parapet, canopy and doors. Then the additional elevations go around the sides and rear of the facility indicating the roof top mechanical equipment where it would sit relative to those parapets and its distance away from the front facade of the project. That is the last page.

Mr. Duffy – Back on 110 so there's an overhead door in the back left hand corner a shadow of a vehicle.

Mr. Oliver – Correct.

Mr. Duffy – So I guess this is accepting a delivery.

Mr. Oliver – Accepting a delivery or taking products that have been dried and trimmed and sending them out. That process would happen enclosed in this bay rather than outside the facility.

Mr. Duffy – Okay is that a requirement that it be secured like that?

Mr. Oliver – I don't know that; it has to be secured somehow. Traditionally it's best done indoors because it is the most secure from a physical security standpoint as well as dealing with weather so we're not transporting product in rain in snow. We can control that environment from a weather standpoint as well as security in terms of physical security. Fences are great but people can climb fences. Fences with visual screening are great but then you can't see what someone is doing outside of that fence maybe. Where possible getting it indoors works best.

Mr. Duffy – Is there a plan to have several vehicles? This is probably for Mr. Dellavecchio are you going to have a small fleet or a handful of vehicles or is this customers that are going to be coming in that's their vehicle?

Mr. Dellavecchio – Correct so this location would be dedicated to cultivation only for intake deliveries which would be small equipment when necessary and materials and also to transport finished product to customers.

Mr. Duffy – Okay.

Mr. Oliver – But not a retail customer.

Mr. Dellavecchio – Not retail customers.

Mr. Duffy – That's not retail customers but are you going to have is it like are you going to have your own set of vehicles to do this or is this uh?

Mr. Dellavecchio – If we're delivering it's probably again it's not deliveries constantly for the cultivation side of it.

Mr. Duffy – Am I being clear I'm just trying to visualize is this a situation where Inhale is going to have four astro vans that are dedicated for you to do deliveries to other clients?

Mr. Dellavecchio – Yes but it's not that often that's what I was trying to get at.

Mr. Duffy – The number of vehicles or having vehicles because that will have an impact on the parking issue when we get to that.

Mr. Dellavecchio – We won't be running a fleet max I could see two vehicles. One is probably primarily secondary is just going to be for backup in case one breaks down. It's not a constant flow.

Mr. Duffy – But it's part of the plan.

Mr. Dellavecchio – Correct.

Mr. Duffy – Is there any purpose for the vehicle in the front or is that just to indicate?

Mr. Dellavecchio – That was just for show.

Mr. Schilp – You plan on putting any kind of higher curbing or cement bollards in front of that door so somebody can't try to drive inside by accident or on purpose?

Ms. Kasetta – I don't remember if those are shown on our site plan so I would ask if we leave that for when the engineer testifies. If we're not showing them we can talk about whether that's something that's feasible.

Mr. Schilp – Okay thank you. The chemical tanks for lack of a better word are they going to be five gallon pails fifty gallon or whatever. I know your fertilization stuff that you said you're going to have.

Mr. Dellavecchio – The nutrient tanks come in five gallon up to like twenty five gallon so nothing overwhelming.

Mr. Schilp – Okay. Is all of this stuff going to have some kind of safety shut off fire department access so that they can shut something off just in case something happens?

Mr. Dellavecchio – Yes everything does have a shut off valve because there is only one water supply for this so this will be one main valve to shut down the whole system.

Ms. Kasetta – I think when we were preparing for the first hearing we discussed I believe your alarm system will be tied to the fire department correct.

Mr. Dellavecchio – Correct.

Mr. Marz – I had a question about the side delivery door there what is that delivery that's related to the delivery in the back?

Mr. Oliver – That would be for retail product coming in. That is part of the front retail portion of the location. That would be products for sale coming into the staff area to go into the vault and then once a customer makes a purchase it comes out of the vault and goes in there. The rear bay with the drive in deliveries would be growing medium or you know we need a box of rags for operations.

Mr. Marz – So you're not making stuff for your own retail in that case.

Mr. Dellavecchio – We'll be using our own product so yes I guess we're coming around and back into the retail.

Mr. Marz – It's very tight over there how long does it take to do a delivery there? I don't know if you can do it all in the back but I guess you can't you have to have it on the side.

Mr. Dellavecchio – I think it's on the site plan.

Mr. Duffy – If I look at this correctly these are actually two separate entities.

Mr. Dellavecchio – Correct.

Mr. Duffy – This wall here where the door says intake that's your corridor. On the other side of that is the cultivation correct.

Mr. Dellavecchio – Correct.

Mr. Duffy – They couldn't do the both of them they have to be completely separate.

Mr. Burbano – I know you have to have the separation between the two so the items that you are cultivating in the back you've just got to bring them around and intake them there because they're two separate entities. What other items for retail other than what you're bringing over there will there be other outside items like packaging or things like that coming through there because again that's a tiny area so I'm just curious are we going to have trucks are we going to have vans that are bringing stuff that isn't coming from your location in the back? Is there any other items that would be brought in there for a retail sale like are you making your gummies are you making other items or are they coming from an outside source?

Mr. Dellavecchio – Whatever products will be sold for retail would be coming in through this door.

Mr. Burbano – How many deliveries do you anticipate a lot of deliveries one a week would it be a van would it be a box truck?

Mr. Dellavecchio – My vision was deliveries as often as needed we do have a vault to store it so we can maximize but then it's a game of security minimize maximize how much product and it is a walkway from the back parking lot so the idea is nothing gets parked in the drive aisles. We would be staging in the back are and use that walkway to enter the intake.

Mr. Burbano – Okay.

Ms. Kasetta – I believe deliveries would all be by Sprinter van right.

Mr. Dellavecchio – Correct we don't need anything bigger than a commercial van.

Mr. Burbano – The separation between the two is that for fire reasons or just state law says that you can't cultivate and sell in the same location. I know that they have to be two separate areas but I'm just curious for myself since you're here and your expert. Are you allowed to have penetrations that go through because your HVAC is all in the back and all your HVAC is going to be coming through to the front and I'm assuming you're going to have some pretty big ductwork that's going to have to make it from the back to the front? Is there any laws on that or do you have to go from the roof and make new penetrations going to the front?

Mr. Dellavecchio – The thinking behind the entities that want it two separate entities so we're keeping the building two separate entities.

Mr. Burbano – Okay so it's not like a fire thing it's not a security thing it's nothing like that.

Mr. Dellavecchio – No we are following the NJCRC guidelines so HVAC equipment most of it is going to be dedicated for the cultivation area. Then we're going to have units for the retail area.

Mr. Burbano – They're all in the back they probably come through the top and then go through.

Mr. Dellavecchio – Correct but we could always be on the roof and penetrate down beyond that.

Mr. Burbano – The employees that common break area is just for the employees in the back or will the employees in the front be utilizing that too by going out and coming back in? I notice you don't have a break are for the front and then you have a customer bathroom for the front will those employees be using that back area as well.

Mr. Dellavecchio – That idea for the common break area is for cultivation only because they're there more often. They shower more often they change more often that's dedicated for them.

Mr. Burbano – Okay I'm good.

Mr. Duffy – They shower more often.

Mr. Dellavecchio – Yeah if you want to keep it germ free.

Mr. Duffy – Where are the showers?

Mr. Oliver – No showers yet as that gets developed and sort of the game of how much space gets to showers and toilets versus break area within that space. I think that's the next phase of development in terms of what exact plumbing fixtures are in there.

Mr. Duffy – I think that should be included in this because now it's been discussed so now we know about it.

Mr. Oliver – Understood.

Mr. Duffy – You might have to change your dimensions.

Mr. Oliver – Correct. The break area may get smaller to accommodate showers in those areas. The janitor's closet may move it's location to accommodate a shower there.

Ms. Kasetta – Could we agree if the Board were to approve this application to submit a plan showing the final locations of all fixtures and rooms and all of that.

Mr. Dellavecchio – The janitor becomes the shower room correct.

Mr. Oliver – Correct. I mean there's pieces there where you know we will need a janitor's room so we can certainly make that a shower room make sure it's the right size configuration. We just need to find a home for the janitor's room that might eat up some more space of the break area.

Mr. Duffy – Is it something that would be up to the Building Department not so much of our concern at this moment?

Mr. Cialone – Or our engineer. If the Building Department or the engineer thought that it wasn't De Minimis they would send it back here.

Mr. Duffy – Okay. Mr. Burbano brought up about other items that you're going to be selling in there was there paraphernalia involved in any of this or is it just strictly product cannabis or is there going to be I don't remember if there was anything in the initial part of the application that brought in pipes and bongs.

Mr. Dellavecchio – No we're more just the pot not the paraphernalia.

Mr. Paparozzi – In the back of the building where the delivery intake is they drive in through the overhead door for security that's what that was about right. That was for security have it loading and unloading inside the building.

Mr. Oliver – Correct it enhances security and makes it easier for employees to do it in any kind of weather.

Mr. Paparozzi – The retail delivery access now it was just testified to that they're going to park in the back and walk up to the retail access entrance. Is there proposed security for that? They're going to be coming from the parking lot to the retail access.

Mr. Oliver – We don't have a physical barrier proposed here so in the back where there was the opportunity to do so and we had the square footage and the access to do so we took it. On the side here given all the programmatic requirements we really have that small location to enter in so.

Mr. Paparozzi – I'm not questioning the access I'm questioning the security. Now are we going to be walking with the product from the parking lot up the side of the building? Where is that security?

Ms. Kasetta – I think Mr. Dellavecchio might be better able to answer that question because there are certain security protocols that you'll have to follow right.

Mr. Dellavecchio – Yeah so this was my design preference to have this by state you don't need any type of security because any retail shop doesn't have a garage where you're going to park and deliver your product within the retail space it doesn't exist. This was for me because obviously there is probably more quantities because we're cultivating so I'd rather keep everything indoors and out of sight.

Mr. Paparozzi – So there is no security for the retail access. The product is going to be in the parking lot and whoever delivers it to you is going to be walking from the parking lot to the side door right.

Mr. Dellavecchio – Correct.

Mr. Paparozzi – There's no security measures taken.

Mr. Dellavecchio – Except cameras on sight.

Mr. Schilp – Is it feasible to have the product when it's delivered back into the loading dock and then walk through the cultivation area then you walk outside only a short distance to get in the other door or you can't mix product with.

Mr. Dellavecchio – Again we're trying to keep it as two separate entities based on the state. Yes would I rather have a door going between obviously it makes sense but not at this point.

Mr. Schilp – Okay.

Mr. Duffy – I think in the past that what we've learned that you cannot do that.

Mr. Kurus – I thought you were going to use that for truck drop off as well on the side.

Mr. Dellavecchio – Cultivation is more delivery intense there's going to be equipment and material that always have to be replenished that are larger so we took the idea to keep it secure it's going to be more quantity.

Mr. Kurus – I get that's a fact but the side door it's not just for people wheeling stuff around you're going to have vehicles drop off there as well right.

Mr. Dellavecchio – Correct but not as much quantity.

Mr. Kurus – They're proposing to bring vehicles to that side also to park.

Mr. Dellavecchio – Earlier I said they'll be parking in the back and there's a path that will take you to that retail entry door.

Mr. Kurus – So you're not going to park and load there with a vehicle?

Mr. Dellavecchio – No because it's going to be our drive aisle.

Ms. Kasetta – That's also an access easement for the benefit of the property next door so they wouldn't be able to block that because the property owner next door needs to be able to use that.

Mr. Kurus – Okay just making sure it's clear because it sounded like maybe we're going to drive there but no we're only parking the trucks in the back.

Mr. Dellavecchio – Correct. I was under the impression we're talking about why some vehicles are pulling in and some are not.

Mr. Paparozzi – I was questioning why there was more security for cultivation and none for the retail part of the business.

Mr. Dellavecchio – Understood.

Ms. Nobile – Signage is going on the outside.

Ms. Kasetta – we have no signage shown we will have to submit a separate application for that either for approval by the Building Department if it complies with what was there before and or the zoning ordinance or back to the Board if variances were required for that but none proposed as of now.

Ms. Nobile – Are there plans for any other improvements in the parking lot or it's just the front of the building?

Ms. Kasetta – The engineer will show you. We are proposing improvements in the back and the front. That's on the engineer's plan.

Mr. Duffy – I see where Mr. Kurus and Mr. Paparozzi were going with this side door this intake corridor because that's going to be your employee entrance I would guess. The cultivation is not going to supply all of your product that will be in the retail will it?

Mr. Dellavecchio – It may not.

Mr. Duffy – So you'll be bringing in items for sale at whatever schedule and they're going to be parking it would have to be set up to where there is a no parking zone or there's something. Nobody can just pull up and park there and say I got to run in for five minutes. That's where I think some of their questions are going here.

Mr. Dellavecchio – If I remember the site plan correctly we do have a walkway from the delivery intake of the cultivation section that goes all the way to the intake. We can park at the entrance of the cultivation doorway that would be like our own parking space and we can walk over if we needed a dedicated space.

Mr. Duffy – Okay but anybody making a delivery FedEx is pulling up and he's not delivering pot but he's delivering something. That's where they're going to go are they going to come in the front or that's going to have to be dedicated. There's a walkway and that's it there's no parking along the side of there that's what I'm seeing.

Mr. Burbano – That aisle there is that your property?

Mr. Dellavecchio – Yes and it's not part of the easement.

Mr. Burbano – can't we just mitigate that by having them stripe it and put fire lane no parking or something.

Mr. Schilp – That's what I was going to say.

Mr. Burbano – Nobody would park on it then. I know that in other establishments the stuff that you're going to be bringing is usually coming from a small van and usually a hand truck can push it but if it's just a one lane and it's all striped nobody is going to be able to park there anyway.

Mr. Dellavecchio – On the site plan we have a dedicated walkway that's actually landscaped has a buffer to say hey you can't come on this walkway.

Mr. Schilp – We're talking about a driveway that goes from the front to the back.

Mr. Dellavecchio – It's from the corner of the cultivation overhang and it goes all the way around.

Mr. Schilp – That roadway that goes from the front of the building by the tire shop to the back of the building that has got to be a fire lane.

Mr. Duffy – I know where this is going and I have to stop you at this point because this is really what we need the engineer and the site plan for. We have the architect here and we need to stick with that for now.

Mr. Manzo – I work there right so I either come the front door to go to work to go into the retail or the retail delivery access for me to go to work. Where do I put my stuff my jacket my lunch and anything else? I don't see a spot for it.

Mr. Oliver – Typically as the plan develops those areas we find a foot of depth times six feet wide and put lockers in there. A lot of times the POS stations have extra space in them so someone can throw their

bag under there. It is a retail intensive location so we try not to start with a dedicated storage room but get our primary goals achieved and then find locker space to add those in without detrimentally affecting operations.

Mr. Duffy – So the answer is you don't know.

Mr. Oliver – Correct I don't know right now but there's ample opportunity in here to accommodate those as the functional specifics get developed. The security room may need to be a little smaller we can find some space there or any other number of spaces.

Mr. Duffy – How many employees for the retail.

Mr. Dellavecchio – Up to ten. Ten is the max based on a micro retail operation. We're probably going to be averaging seven people at a time.

Mr. Duffy – Seven people on a shift.

Mr. Dellavecchio – Yes.

Mr. Cialone – You testified last time six to eight per shift were estimated.

Mr. Dellavecchio – I hit the middle.

Mr. Schilp – Is that six to eight in front and back?

Mr. Duffy – No that's retail alone. How many in the cultivation?

Mr. Dellavecchio – Four to six five is probably the magic number.

Mr. Duffy – I take it they're more important then. They get a men's room a ladies room and a break room.

Mr. Dellavecchio – Yeah.

Mr. Duffy – You have six to eight in the retail and they get a restroom that's next to the security office on the other end of the floor.

Mr. Dellavecchio – the plants need to be taken care of so you have to take care of the people that are going to take care of the plants.

Mr. Schilp – I've been on the Board for a long time and I watched not every time but most times everybody brings in plans engineers and architects and all that and they turn around and say we're going to add this later we're going to add that later and I for one like to see everything done so that we know what we're talking about and we see what you are talking about. You're going to add this you're going to add that it's not what you submitted. To me if you're going to submit something you should have everything on it not saying we're going to add this later and we're going to add that later. That's my opinion that's the way I look at these plans and I get annoyed when it goes on constantly and it really does. If I was somebody that submitted the plans I turn it down because you're not telling me what you're going to do. That's just me I like to see everything completed.

Mr. Duffy – I think there's a couple of things on the architectural that you've got to kind of go back and address. Anyone else have any questions or concerns?

Mr. Mazzer – I just want to know when they're going to bring up a sprinkler system for the building.

Ms. Kasetta – The applicant spoke with the property owner who is not inclined to sprinkler the entire building unless there's some code requirement which is sort of what I was expecting his response to be. For our purposes we're not aware of any code requirement for this space to be sprinklered. I know it was something you said you would like to see.

Mr. Mazzer – Well we have the tire shop on the side that's a high hazard use. You have people selling papers, bongos, pipes whatever that's in the front. Then you have two apartments above it. I don't care too much about your pot thing but the idea is what happens if the tires catch fire?

Ms. Kasetta – I understand your concern.

Mr. Mazzer – I think there's a way around it engineering in that they can do one hour walls and if you do different stuff. The safest way is to sprinkler the whole thing but that wouldn't be them that's the owner.

Ms. Kasetta – That's our issue he can't compel the property owner to do that.

Mr. Mazzer – There's a lot of stuff jammed together you know what I mean.

Ms. Kasetta – I do.

Mr. Mazzer – The owner wants to rent this but yet he doesn't want to make it safe.

Ms. Kasetta – I can't speak for him.

Mr. Mazzer – I know I get it. The tire place is a high hazard use. Like I say I don't know how he is not requiring them to sprinkler a mixed use like this. I'm worried about those people in those two apartments if that tire place catches fire I think the whole place is going to go. If the owner really wanted to rent to them he would have said yeah okay let's sprinkle the building. That's only my opinion I'm only one vote.

Ms. Kasetta – It's a very valid opinion it's just unfortunately we can't force him to do that.

Mr. Duffy – There are actually six rental units in this building. When you separate cultivation from the retail that's two the tire place is three vape is four and then two residences makes it six. I don't know if there's any code on that.

Mr. Schilp – I'll talk to the Fire Official.

Mr. Duffy – Let's formally ask the Board to get his opinion. As far as Mr. Oliver is concerned does anybody have any other questions for him?

Mr. Duffy – Can I have a motion to open to the public?

Mr. Schilp makes a motion seconded by Mr. Manzo to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Mr. Duffy – I think there's a couple of things in our discussions that we need to tweak on your plan. I think dealing with the fact that there's no accommodation for the retail for those people and the other stuff we'll deal with the engineer. We'll have our Fire Official give us an opinion as far as sprinklers are concerned.

Ms. Kasetta – I'd like to call our civil engineer Jason Flores from Costa Engineering.

Jason Flores comes forward and is sworn in by Mr. Cialone.

Ms. Kasetta has him give his credentials to be accepted as a witness. The Board accepts him as a witness.

Ms. Kasetta – I'd like you to walk the Board through the existing conditions and then the proposed improvements.

Mr. Flores – The trade name is Inhale Industries Inc. and we're looking for a site approval. The property is located at 249 Route 46 in the Township of Saddle Brook. It's also known as Block 120 Lot 5.01 formerly known as lot 5 prior to the subdivision approval. It is in the B2 zone. It's an existing mixed use building an asphalt parking lot and concrete walkways. The existing walkways are not ADA compliant. The property is bounded by retail and commercial to the north and to the southeast U.S. Highway Route 46 to the southwest and St. Mary's Cemetery to the east. The minimum lot area is 2000 square feet the existing lot size is 47,446.4 square feet. The lot width minimum is 100 the existing is 134.26 the proposed is the same. The front yard setback is 25 feet the existing is 47.06 feet we are not making any changes. The side yard setback is 15 feet existing is 8.98 feet we are not making any changes to the side yard. Both of the side yard setbacks are the combination is 30 feet the existing is 31.63 we are not making any changes to that. The rear yard setback minimum is 25 feet we are 148.6 we are not making any changes to that either. Lot coverage is 50% as per the June 5th resolution we were approved for 79.49% and the proposed is being reduced to 79.06%.

Ms. Kasetta – The June resolution that you referenced that would be the 3rd subdivision of this property that the Board approved this year.

Mr. Flores – Correct I'm just going to refer that as the subdivision resolution to make it easier. The building height we're not making any changes to the building. The parking spaces on the subdivision resolution we were approved for 32 parking spaces where 72 were required. With this new proposal we are required 45 parking spaces and we're meeting that requirement. For the improvements we are adding about 4,000 square feet of a gravel area into an asphalt parking lot to accommodate roughly 15 parking spaces and a refuse area for a dumpster. We're adding some concrete curb to the north of the property to hold some runoff and a proposed rain garden. We're also adding a 24 foot easement that serves lot 6.01 and 5.01 and the access and egress for both lots. We are proposing a side sidewalk this is the point that everybody was talking before with the car coming in with the architect. We're proposing a sidewalk that wraps around the building and connects the frontage to the rear of the building.

Mr. Mazzer – So when they deliver whatever there and they want to get their product to the front they have to walk all the way on the outside if it's raining snow or whatever.

Ms. Kasetta – Just one correction to that the retail delivery entrance is somewhere over here I think where that dashed line is so they wouldn't be walking all the way to the front of the building.

Mr. Mazzer – No I know where on the side but they're outside the building.

Ms. Kasetta – Yes.

Mr. Duffy – You said that goes all the way right across the front of Sammy's Rims also or that retail spot?

Mr. Flores – Correct all around the building. A planter area buffer is being added between the egress easements and the sidewalk just to give them protection to the people walking on the sidewalk there. Just to go over the parking we're proposing roughly 11 parking spaces in front of the building which two of them are van accessible ADA. We are also proposing 10 parking spaces along the rear of the building which 3 of them are going to be electric vehicle spots and then the rest of the parking area are going to be roughly 21 parking spaces. Some of the code for the parking size specifies that each parking space has to be roughly 180 square feet. We are proposing 162 square feet. What the ordinance requires is a 10 by 18 parking stall or a 9 by 20 we're just complying with the RSIS which is 9 by 18. That will allow us to accumulate more parking spaces and the circulation better on the side.

Mr. Mazzer – Where are the two apartments going to park?

They can use the back side to park or they can use the front they have plenty of parking spaces. Based on the code two residential units need 4 parking spaces. I don't believe we have a proposed designated parking spaces but if the Board wishes we can make permanent parking spaces for the residents and outline that with some signage.

Mr. Paparozzi – The proposal for the parking is a variance because you're proposing 9 by 18 and that's residential site plan but this is not residential this is commercial so that is a variance.

Mr. Flores – Per your ordinance correct yes part of the variance we're seeking.

Mr. Paparozzi – Because there are two other businesses there the parking should be assigned for at least the businesses because the businesses in the front will be first parking spaces taken and there's going to be an issue with parking for the businesses in the front that are already existing plus the tenants. The zoning chart says you have 45 spaces you have 42 spaces.

Mr. Flores – Right okay.

Mr. Paparozzi – You have a credit for 3 so it reduces your requirement from 45 to 42 and you're only providing 42 not 45.

Mr. Flores – Yes correct. We are proposing 42 parking spaces which 3 of them are going to be EV spaces and that gives us a credit for the extra 3 parking spaces that is how we meet that requirement. Regarding the assignment of the parking spaces I'm pretty sure we can work with the Board professionals in order to assign those parking spaces for the businesses that are on the site. We have no objection on doing that.

Mr. Duffy – You have to work with the Board professionals to assign the parking you have to worry about your parking. You work on your 42 spaces the other parking you're talking about is that's the landlord's responsibility correct? So how can you count them then? You're taking them all away.

Mr. Flores – No.

Mr. Paparozzi – Mr. Chairman 42 is required for the entire building.

Mr. Duffy – For the entire building.

Mr. Paparozzi – Their requirement is less.

Mr. Duffy – There's a ratio for their requirement correct.

Mr. Paparozzi – It's on sheet 206 of the zoning chart there. They need 19 spaces according to the ordinance that was provided so they need at least 20 spaces for themselves the others they can assign for the other businesses.

Mr. Duffy – Twenty spaces for both the retail and the cultivation?

Mr. Paparozzi – Yeah the retail was 1 for every 200 square feet and there's 2500 square feet so it needed 12 and a half spaces for retail. I know it's low but it was in the ordinance.

Mr. Flores – With the parking spaces that we're providing we can assign them. We're not going to be short on parking spaces.

Mr. Schilp – They said that the vehicle when they go to deliver will go into the rear of the building. They were going to deliver to the front for the dispensary. They said they were going to park in the rear if you're looking at the picture right now the rear right hand corner. They said they were going to park the vehicle that's going to deliver the product to the front of the building they were going to park there and you just said you have 10 parking spaces there. It's either a parking space or it's a place for the delivery trucks to park.

Mr. Flores – I don't think that is what they said.

Mr. Schilp – Some place there should be a loading zone for everybody whether it be the tire shop or your place either front or back. The back one we know it's going in the garage but the front one you said you were going to park in that back corner. You make that a loading zone you lose a parking space.

Ms. Kasetta – I do have an idea that I just spoke to our traffic expert about and we can start the discussion now and he can continue it when he's sworn. We would be able to provide another EV parking space and get another credit because you can go up to 10% so theoretically what we could do is shift the EV spaces over provide an additional one and then stripe a separate loading area here so that the distance to that retail delivery is shortened by a lot. If that would ease the Board's concerns.

Mr. Schilp – Thank you that was good.

Ms. Murray – I get that you're worried about your own client but I'm thinking also like Sammy's Rims gets deliveries so you're concerned with your client but there's the other tenant that's got to have deliveries as well Sammy's Rims so I don't see how and he's not going to get a van he's going to get a delivery truck sometimes maybe it's going to be a box truck so I'm sure he is going to complicate the plans and has anybody incorporated any of the other needs from the other tenants? I think the vape shop is probably safe with smaller delivery things probably vans as well they can take a spot but the rim guy is going to probably have something a little bit bigger maybe not a huge box truck but something smaller that's going to deliver product to him tires and rims so he's going to complicate your matters there because he's going to probably block the front or the driveway or something. Has anyone considered the other tenants in your plans?

Ms. Kasetta – Yes and I appreciate that and if we were to stripe a loading zone in that area where I indicated that might ease that issue because Sammy's has been there for some time so I don't know actually where there deliveries go now but if we were to do that it would provide a spot I would think for delivery vehicles for them too.

Mr. Paparozzi – That can't be 9 by 18 maybe a van can do the 9 by 18 but the delivery for Sammy's is not going to and that would affect your aisle width and other things as well because then you can't fit the 10 cars there as well. There is some work that has to be done by the engineer again. Also the generator needed to be shown where you're proposing it because there are some setbacks that are part of the code.

Mr. Flores – That's the area that was previously approved on the resolution so that's the area we're proposing the generator which isn't shown on this plan which is correct.

Mr. Paparozzi – I think it was on the other side.

Ms. Kasetta – We actually have a copy of the previously approved site plan so maybe we should mark this. This would be A6.

Mr. Flores – This is the minor site plan and landscaping plan that was approved I believe in 2022 September 20, 2022 if I'm not mistaken.

Mr. Duffy – This was the previous application?

Ms. Kasetta – Yes this was the site plan for Budz Prime. That application was approved on November 7, 2022 and the resolution was adopted on December 5, 2022.

Mr. Duffy – On this one you're saying the generator location is there?

Mr. Flores – Yes correct.

Mr. Duffy – Your site plan needs to reflect that.

Mr. Flores – Okay.

Mr. Duffy – Regardless, that's a separate application. I know you're referencing it for discussion now but I'm just saying that's got to be on your site plan.

Ms. Kasetta – Mr. Chairman we didn't show it we weren't proposing one but then one of the Board professionals raised it in their report and we said that's a great idea for emergency purposes but we didn't make any other revisions to the site plan so that's why we're not showing it but this was just to illustrate where it was on the previously approved plan.

Mr. Duffy – I would ask the professionals and the Board members to hold your questions because I'd like to get Mr. Flores's presentation through instead of chopping him up and making him go back and forth.

Mr. Flores – Site lighting we know that Neglia's engineer letter that the lighting that runs to the center of the parking lot needs to be revised in order to accommodate one foot candle. We will work with the professionals if the plan is approved to make that revision properly. Our landscaping plan we're proposing a rain garden on the rear corner of the parking lot. We're proposing 26 different type of all-season plants and some stones on the bottom in order to percolate the water. On this buffer area we're proposing 38 evergreen shrubs as a screening three foot on center 18 inches tall to give them a nice view and a buffer between the easement and the sidewalk. For storm water management we are adding roughly 4,000 square feet of new impervious area to the back to accommodate the 15 parking spaces. Just adding that 4,000 square feet of impervious that generated roughly 1,000 cfs or 7,500 gallons we're proposing twelve units of chambers and those provide a capacity of almost 8,000 gallons to compensate for what we are adding in the back. I know your Board Professional had a question about the plan that needs to be signed by the surveyor and we have noted that. The problem is that we did not want to provide another 18 set of plans without making any revisions and having the surveyor sign but we will make sure we comply with that. We're providing a refuse area for the container that was noted from Neglia's letter. The sanitary sewer report and inspection will be complied with. We will provide a copy of the video to the Board engineer. One of the comments from Neglia Engineering was the water demand report. We will work together with Neglia Engineering in order to provide that information as well upon approval of the project. I know one of the comments was to address the Fire and the Police Department concerns however we submitted everything to them in September we haven't heard back from them yet. As soon as we hear anything from them we will address those comments. I don't have anything else to add unless you have questions for me.

Mr. Kurus – Does the plan show the location of the sewer line? Do you know approximately where that is?

Mr. Flores – Our plan is to use the existing utilities that are within the building however I don't believe we're showing the sewer line.

Mr. Kurus – That may affect how your plumbing lays out and where your bathrooms are going to be. We'll need to see that and then water service approximate location.

Mr. Flores – We'll revise to show those.

Mr. Kurus – Okay and then if understand the storm water from the roof is going to the Cultec's.

Mr. Flores – Part of the roof is going to the Cultec yes.

Mr. Kurus – That's the clean water which is the best water that you want to put in the Cultec's so that's good. That's all I have for now.

Mr. Paparozzi – In my original report the refuse area should be divided to show the recycling as well and additionally I know Ms. Kasetta mentioned the engineer would talk about the signage and they would conform but I know the Board had previous request on other applications and this prior application so I think it's something of importance for the Board. I don't know how you want to address that for the engineer but I know that was an issue on prior applications.

Mr. Flores – As was said before there is no proposed new signage. If any proposed new signage comes it will be a separate application through the Building Department and if we don't comply we will be here in front of the Board.

Mr. Paparozzi – I think they want to see the words. They wanted to see the words on the prior application not just the size and location they also had concerns on the prior application and other applications about the wording on the signs.

Mr. Flores – You mean the existing sign?

Mr. Paparozzi – Yes. If you're going to keep the existing signs that's fine then they want to see what it's going to say on the existing sign even though the sign size complies they want to see what wordage will be on the sign.

Mr. Flores – We can definitely show the detail of the existing sign.

Mr. Duffy – The only intent is the sign that's out in front the standing not on the building itself.

Mr. Flores – We're not proposing any signage in the front.

Ms. Kasetta – Not at this time Mr. Chairman.

Mr. Flores – I'm certain we can provide a detail of the existing sign with the words that are there.

Mr. Duffy – We did have issue we don't know the exact retail name that you're going to have whether it's just Inhale or what but we had issues with previous applications and the size of the letters and the color and the verbiage.

Ms. Kasetta – Mr. Chairman if I could when we move on to the traffic testimony I'll have an opportunity to speak to my client he's listening to what you're saying and then we can come back to that topic and if there are words that the Board wants say are not permitted on the sign then that's fine.

Mr. Paparozzi – One last thing along with Ms. Murray's request for loading and unloading that's not going to be 9 by 18 it's a multi-use building maybe one spot should be designated some place on there for multiple use.

Mr. Flores – The previous application showed the loading zone in this area we have the space to provide that in there.

Mr. Paparozzi – That is for your application the commissioner asked to provide for the other businesses. Sammy's Rims has deliveries with a box truck. I don't know what the other business has deliveries with but that space would be utilized by FedEx, UPS and box truck deliveries so a space like that should be considered for the book.

Ms. Kasetta – Maybe that's something the engineers could take a look at also while we're getting through the traffic testimony. I do understand the concern it's just a little tricky for us because these other businesses have been operating there and our client is only a tenant of the site not the property owner so but maybe that's something we could take a look at.

Mr. Paparozzi – That's true but they've been utilizing the back for everything deliveries, parking buses and other trucks and food trucks so that's probably where they were stopping and delivering. Now that you don't have that I think it has to be addressed even though it was trial because the use was not being occupied as it is now so they had a lot of room to maneuver.

Mr. Schilp – Everybody comes and we talk about this and even the last applicant come in and didn't talk to any of the neighbors he just assumed that he's taking over the entire building. Did anybody from your group go in and talk to the tire guy, the vape shop and ask them what kind of trucks they do what kind of business they do what hours they work. Companies come in here on a constant basis and nobody asked if you know the other guy was going to paint the entire front of the building I said did the tire guy give you permission to do that and he just looked at me like for what. You're going to paint over his nice orange and green signs. I don't know whether he'd be too happy because the other two shops are all painted the same way. It's something that I don't understand why if you're going into a place you don't ask the other people that are there and I've passed there before and there are sometimes decent sized box trucks and they just park right in front of the building because the usage is not there as it will be if you guys move in. The number of cars in and out are going to be a lot more. There isn't much usage right now but it's going to really step it up and I'm sure your business is going to help the vape shops business as well so you're talking more business and it's just a suggestion. I don't understand why when people go in they don't talk to the other tenants. You're assuming you're going to tell them to park the truck back there and you're going to do it.

Ms. Kasetta – I think it's not necessarily us it's the property owner. That would be the person to enforce rules like that.

Mr. Schilp – What I'm saying is did you ask them what kind of trucks they use so you know what you're going to plan for.

Ms. Murray – You're making the changes and you're presenting this to us that this is going to be the Gospel and if it's not been checked with the building owner the last applicant didn't know there was a lease on the parking spaces with another business and he provided all this information and found out uh-oh. You have to do the due diligence to find out does he have an agreement with Sammy's Rims and he's supposed to have two in front of his door and he loads his trucks like that. If you're making the changes you're assuming that they're going to live with them and the building owner is going to enforce them.

Ms. Kasetta – Understood.

Mr. Duffy – Since we're talking about parking 42 spaces if I remember correctly is the requirement for the entire building.

Mr. Paparozzi – Forty five but they get a credit for three.

Mr. Duffy – Is that going to change because they're proposing another EV and that gives them another credit.

Mr. Paparozzi – Their credit would be 41 spaces but they also have to if the Board asks for a loading spot they would lose another spot so it would still break out the same.

Mr. Duffy – There's probably on any given shift normal time eighteen employees. Six to eight so I'm going to go the eight for the retail and it was roughly the same in the cultivation five so I'll do six so fourteen spaces have just been eaten up by employees. The EV spaces are not employee parking so you can't park there for the shift because they're designed in order to recharge while you park. It's not a freebee parking space so I'm not even counting them because of the way that they're developed. I mean you're counting them like this but I'm not looking at it from my example. So we're probably going to knock out half your parking. The other 22 spaces have to be shared for your retail spot Sammy's retail two residences.

Mr. Paparozzi – The other retail with two other retail spaces require 22 spaces.

Mr. Flores – Twenty two parking spaces correct.

Ms. Kasetta – Can I ask that we hold off on the parking discussion until our traffic expert testifies because I think we're getting ahead of ourselves again.

Mr. Paparozzi – We're not ahead of ourselves because the parking calculation is on the engineering.

Ms. Kasetta – Right but the requirements and the various tenants and how that all works together I think would be best addressed by our traffic expert.

Mr. Duffy – If you think he can satisfy the concerns then I understand just we might be bringing Mr. Flores back up again just so you know. We've been having an amicable discussion about this so I do want to continue that. We do have concerns and everybody wants to. Security personnel is that considered part of the employee structure or is that separate? You may not be able to answer that Mr. Dellavecchio would probably have to answer that.

Mr. Dellavecchio – Yes that would include security personnel.

Mr. Duffy – The 6 to 8 employees per shift includes your security personnel.

Mr. Dellavecchio – Right because we have one security at the front where the ID's will be checked so that is included.

Mr. Duffy – All right thank you.

Mr. Flores – Just to supplement your answer we're providing roughly 20 parking spaces just for the cultivation and the retail space just for employees alone plus another 21 parking spaces just for the other retail and the residential 4 parking spaces. We're taking credit for the EV parking spaces correct for 3 parking spaces.

Mr. Duffy – You would like to make that 4 now.

Mr. Flores – Correct so your concern is we're not going to have enough parking spaces for the employees.

Mr. Duffy – I'm trying to see how that parcel is going to be able to accommodate we haven't even gotten into customers yet just what's existing there and the employees forget about who's coming in to buy product.

Mr. Flores – So the way how I'm breaking down the parking space just based on the ordinance and I'm pretty sure the traffic engineer will be able to explain better how the business will function with all retail coming out inside the building.

Mr. Duffy – Okay.

Mr. Schilp – We talked before the sidewalk that goes across the front by the front entrance between the tire place and your front entrance. Is that a raised sidewalk are you going to put anything in front of there that they can't drive over it?

Mr. Flores – It's going to be flush and we're going to have wheel stoppers there. It's going to be the same grade as the asphalt. It's an existing condition we're not making any changes to the existing condition. We're just trying to make it compliant.

Mr. Paparozzi – You're making a change you're adding a handicap there's no handicap there now.

Mr. Flores – Correct no but he's talking about this area over here the handicap is in this area.

Mr. Paparozzi – No it's also in front of that too.

Mr. Flores – This hatch area just to see the separation between the easement and that but we're going to utilize that space. Over here we're not making any changes to raise the grade or anything like that. The handicap space is right here.

Mr. Schilp – I was just concerned with the people coming in and out that somebody does not stop and they drive into the front door of the building.

Mr. Flores – We can propose some bollards to protect it.

Mr. Schilp – We need some kind of stop.

Mr. Flores – We can propose some bollards to do that.

Mr. Manzo – As far as I know I was in the sewerage department for 45 years and as far as I know they are not hooked up to a main line. They never were so I would like to see some proof they're hooked up to a main line because the main line would have to go all the way down 46 to North Sixth Street for them to be hooked into a sewer. Or if they went up towards the pistol range they would need a pump to pump up to that manhole. The previous owner that I knew never wanted to go for that so they should have some type of drawing or something.

Mr. Duffy – That was something along the same lines that you had Mr. Kurus.

Mr. Kurus – Yeah a confirmation of the sewer connection.

Mr. Mazzer – Sewer and the water. The size of the sewer the size of the water main.

Mr. Flores – We could confirm that.

Ms. Nobile – Is it possible you could have more visuals next time of what you're stating. I think you're referring to proposals of where everything is going to be and what you plan on doing.

Mr. Flores – All the proposals that I've been discussing is here in the site plan.

Ms. Nobile – The sidewalk is where the yellow?

Mr. Flores – The yellow.

Mr. Duffy – The sidewalk runs the back the side and across Sammy's Rims and your proposed site because then there is a covered sidewalk in front of the vape shop and the entrances to the apartments. You're not ripping that up you're coming right up to it correct.

Mr. Flores – Correct.

Mr. Duffy – The EV spaces what is the spec where is the charger because there should be a charger for each space correct.

Mr. Flores – We haven't discussed that in detail with the client but that would be something to discuss and we will be able to provide details upon approval we will be able to submit all that information.

Mr. Duffy – How does it impact the size of the parking space because your parking space is 9 by 18 and there's going to be an electrical?

Mr. Flores – There are different levels of electrical like level one level two level three so depending on which one my client is going to choose they don't take that much space. If it's a fast charger it's like a bollard with a charger in there and you can just connect the car.

Mr. Duffy – It doesn't take up the space.

Mr. Flores – No it's not like the ones you see in the county park when you see the big chambers those are level one chargers you need space. We're not going to propose something like that in there.

Mr. Schilp – The chargers that I've seen it's only a little bigger than a parking meter.

Mr. Duffy – I've seen them too and I've seen all different sizes and there's nothing telling me which one you're doing that's why I asked the question and will it impede any part of that walkway?

Mr. Flores – No it won't.

Mr. Duffy – So it's set in front of it.

Mr. Flores – Correct.

Mr. Duffy – You have some flexibility where you can set it but the chargers I think they have to be more toward the center so they can reach around.

Mr. Flores – They will be like in the center of the aisle so it can easily be reached to each direction of the cars.

Mr. Duffy – You're talking about shifting this over at least one space for loading and adding another EV right.

Mr. Flores – Correct.

Ms. Murray – There's a note on the plan that I'm not understanding and it's above in the corner where you dog leg out and it says lots 4 and 5 are subject to waste water treatment restriction as per deed VKV4462 page 222 no easement exists no easement is proposed. Lot 4 you're 5 lot 4 is next door I don't understand does that refer to sewage or whatever we're trying to figure out their sewage.

Ms. Kasetta – There is an existing waste water treatment device that sits right on the property line and I think it was a deed permit that required that to be recorded. We did submit it with the application but the reason for that note is because the same owner owns this property and lot 4 so because of that there's no easement between those two property owners because they're the same.

Ms. Murray – So it has nothing to do with the sewerage just the waste water treatment.

Ms. Kasetta – Yes.

Mr. Mazzer – Well that is that's your sewer right it's got to go someplace.

Ms. Murray – It says utility covers possibly septic.

Mr. Mazzer – If this is septic that's not going to work.

Ms. Murray – in the same area that's what it says utility covers possible septic.

Mr. Kurus – That needs to be checked out and inspected size verified will accommodate the new.

Mr. Flores – We'll certainly do it.

Mr. Mazzer – The owner may have to run a new sewer line like Mr. Manzo was saying.

Mr. Duffy – Are there any other questions for Mr. Flores?

Mr. Schilp – Just a comment we had asked the other applicant the same questions and he never got back to us on what it was and then he dropped the thing and moved down the block.

Mr. Duffy – Noted. The landscaping plan I'm not worried about the back although you're not cutting into the side of that hill at all you're just going to because the property goes up.

Mr. Flores – We're not touching that.

Mr. Duffy – You're going to pave up to I guess that's the current property line.

Mr. Flores – No existing right now that area is gravel we're just going to pave on top of it. Then we are adding a rain garden here which is already depressed so it is an existing condition it's a low point so we're utilizing that space as a rain garden.

Mr. Duffy – It gets very wet back there that's why you're doing that?

Mr. Flores – That's right.

Mr. Duffy – Go along the east side of the building by the driveway. You had mentioned you're adding.

Mr. Flores – Correct we're adding a landscaping buffer here just to separate the egress easements with the sidewalk that we're proposing here.

Mr. Duffy – What kind of landscaping?

Mr. Flores – Thirty eight evergreen shrubs. I can give you the name we are proposing which is.

Mr. Duffy – That will run from which point?

Mr. Flores – It will be from here you see the green color all the way up to here.

Mr. Duffy – Will there be a break where the entrance is on the side?

Mr. Flores – No break just a full separation between the easement and the sidewalk.

Mr. Duffy – No other questions for Mr. Flores. Can we have a motion to open the meeting to the public?

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Ms. Kasetta – Our next witness is our traffic expert Nicholas Kennedy.

Mr. Kennedy is sworn in by Mr. Cialone and gives his business address as 92 Park Avenue in Rutherford New Jersey.

Ms. Kasetta asks him to give the Board his credentials and he is accepted by the Board.

Ms. Kasetta – Walk the Board through your findings as to traffic, circulation, parking all of those things.

Mr. Kennedy – I'll walk us through our traffic analysis and then hopefully touch on a lot of what we've heard tonight about the circulation, the parking, the loading. Starting with our memorandum that's dated September 21, 2023. What our office tried to do is get an understanding of the roadway network as it exists today and then the traffic that would be generated by the proposed development. The site is located along Route 46 west. Route 46 is a heavily travelled commuter roadway generally eastbound travel in the morning and westbound travel in the evening. General commuting patterns more people go to work heading eastbound in the morning westbound coming home in the evening. In the critical peak hour on Route 46 westbound Route 46 carries about 2,000 vehicles in that westbound direction so that would be vehicles directly passing our proposed development. Route 46 is under NJDOT jurisdiction so we would require a letter of no interest from them. That was granted for the previous application this is of course a smaller area retail facility so I would expect the DOT to grant us a letter of no interest as well. Moving on to the traffic associated with our proposed development. There's two aspects of it both the cultivation center and then the retail portion of the facility. As you've heard in previous testimony there is anywhere between five and eight employees for the cultivation center. That's the maximum trip generation you're going to see for that portion of the development. There's no customers going into that area it's just the people who work there are the people who are going to be entering the site and exiting the site when those shifts occur. We expect that the highest trip generation you will see for that would be maybe during a shift change where five employees are working shift change five new employees come in so maybe five vehicles enter the site five vehicles exit the site at once but the cultivation aspect is not a high trip generator. As far as the retail portion we utilized the Institute of Transportation Engineers trip generation manual. It's an industry standard for running trip generation of various different developments including retail facilities like the one proposed here. We expect based on the size of the development and studies that the ITE has done that about 25 vehicles during that peak weekday evening peak hour would be entering and exiting the site. That's about 50 trips one trip would be them entering and then the exiting trip. One vehicle accounts for two trips. In total with both the cultivation and the retail you're looking at about 30 vehicles entering and exiting the site during that critical weekday evening peak hour. It's about one car every two minutes comparing that to the volume of roadway on Route 46 comparing to ITE thresholds and NJDOT thresholds that's not a volume that's going to significantly impact the roadway network impact Route 46 in any way. We did run a level of service analysis on the driveways they would operate safely and efficiently. The traffic generated by the proposed development would not directly impact or negatively impact Route 46. Getting into the drive aisles the site circulation the parking I'll try to cover it all at once. Starting with the parking I think we've heard plenty of testimony from our site engineer that 42 spaces are proposed maybe one or two spaces give or take might be taken for an EV space or a loading space I think that's something we'll have to work through with our team and the other tenants of the building. I did really quickly try to run some calculations I know there was some concern kind of going down the list of if you have 42 parking spaces and 14 employees and then trying to figure out what that level of parking left is so I'll try to quickly walk through it. With the 42 spaces we have 14 employees in the cultivation and the retail portion of the development so 42 minus 14 leaves you the 28 spaces. The residential portion of this entire property would require 4 parking spaces so that 28 minus the 4 residential you're left with 24 parking spaces. I then compare that to the ITE they publish parking

data for developments like this and the other retail developments on site. Taking their numbers which encapsulate both employees and customers they don't split up the two into this type of retail facility needs 5 parking spaces per 1,000 square feet and for employees and 3 for customers they loop it all into one so they go out there do counts and say per 1,000 square feet this is how many parking spaces this development needs. Based on that number and again we have 24 parking spaces left that number I came out with for the retail portion of the facility and then the two existing retail portions is 26. So we have 24 left the ITE says you need 26 but again that encompasses employees as well which I had already taken out of that 42 number the 14 employees for the proposed development. Based on my experience 24 parking spaces for this retail facility and then to me lower trafficked developments like a tire shop or a smoke shop which probably has a lot of cross between our development and the smoke shop naturally just the two entities. Twenty four parking spaces would be sufficient for the customers of those three developments. Moving on to the drive aisle and the loading. I think there's some discussion to be had. I know it's part of the old application the loading actually was in a very similar location to where our loading door is. I know we have a striped space that's 9 feet by 23 feet. I believe on theirs the entire back portion was striped as a loading zone. I also understand that maybe we can move a parking spot make it a FedEx delivery loading space or UPS and I think that's something that we can try to figure out based on what the deliveries of the other tenants of this building are see what their if they only need a sprinter van for their deliveries as well then a parking space would probably be sufficient as a loading zone for them. It might be a matter of figuring out what exactly their deliveries look like. I think that's it unless you have anything.

Ms. Kasetta – One follow up if you could touch on the variances that are required related to parking and circulation.

Mr. Kennedy – So the parking stall size the requirement is 180 square feet we are proposing 9 by 18 which is 162. Nine by eighteen is a pretty typical parking stall size many towns have that as their requirement. The RSIS which I know this isn't a residential development but that's their standard parking size. Even if you in this building here the parking stalls outside this building are 9 feet by 18 feet. It'll fit your larger vehicles your Escalades your Chevy pickup trucks. None of those vehicles are going to be bigger than 17 maybe 17 and a half feet in new models and they function well when trying to pull into and pull out of parking spots. I think generally 9 by 18 is a fair parking stall size. The site is fairly limited, especially towards the back as you get up the hill in making parking spots bigger and also trying to make a drive aisle bigger. I think with both these things we use general industry standard numbers of 24 feet as a drive aisle and 9 by 18 feet as a parking stall to have that balance of the number of spaces we could provide and also safe and efficient maneuverability throughout the site.

Ms. Kasetta – then there's an additional variance for parking in the front yard. I know this was already mentioned but if you could just confirm that is an existing condition. We are cleaning it up and restriping but the parking does exist there today correct.

Mr. Kennedy – That is correct and I believe we are also getting rid of a few of the spaces in the front so not only is it an existing condition we're making it slightly better I'd say. Specifically those two spaces are sitting on Route 46 and are less than desirable from an entering the site and exiting the site standpoint.

Ms. Kasetta – So that would be an improvement.

Mr. Kennedy – Correct.

Ms. Kasetta – One more question can you confirm that the number of ADA parking spaces that we're providing is compliant.

Mr. Kennedy – Yes the number of ADA and then also kind of go hand in hand with that the number of EV spaces is also meets the requirement.

Ms. Kasetta – Thank you.

Mr. Paparozzi – Just one comment on the data from the ITE those numbers are only a guide and a lot of times they're in front of me and those numbers of course they're general and they're used in a general sense don't apply to certain areas. Obviously living in Lodi living in Saddle Brook you know where 46 from four o'clock to six o'clock you can't move it's like a parking lot and certainly the business that's proposed those that I've seen other establishments that open had parking backed up on the highway. I

know because there are more proposed cannabis retail that parking requirement is becoming less and less for each with each site but each site does get overloaded with parking. That ITE number that Mr. Kennedy referred to is only a guide it's not something that we have to hold to or think that it will fit but certainly that's up to the discretion of the Board.

Mr. Duffy – what was the time of peak hours?

Mr. Kennedy – I was talking about the weekday evening is the peak hour of the westbound traffic along Route 46 again generally people are travelling eastbound in the morning and westbound in the evening.

Mr. Duffy – Your peak would be 4:30 to 6:30.

Mr. Kennedy – Somewhere between 4 and 6.

Mr. Duffy – Have you ever been on Route 46 over there at that time?

Mr. Kennedy – I've been to the site two times during that time. Yes I understand it's an existing condition out there especially between those two lights at Outwater and Fifth Street. They kind of create this stoppage on 46 and then it opens up a little as you get more westbound.

Mr. Duffy – There's the light to get into the mall and they're never in sync and Fifth Street which backs up. One thing that's a big concern is that the shoulder becomes the third lane. Anybody who's ever drives there knows that you have to watch. They're going to go to pull in and someone is coming from the top of the hill down. Pulling into that parking lot is quite dangerous.

Mr. Kennedy – I have driven to the site twice during that time just knowing the area. Generally what happens as I've seen I also sat in the parking lot not many people go in and out of the site today but just watching the traffic patterns people do use that shoulder and use it as the right turn lane to get into that shopping center plaza. When I was out there and left the site two or three times what I found was that when the traffic light is red yes you might have a car that's using the shoulder but it's a lot less frequent because generally traffic backs up to the other signal to where there's not room to blow by everybody on the shoulder anymore. So you get these courtesy gaps to get out of the site just like when there's any traffic stoppage and you're at a stop sign generally somebody waves you in and lets you go. That's kind of what happens as that corridor gets slowed down and backed up.

Mr. Duffy – Your data is based on retail establishments similar because this is a new entity. This is new to us to everybody in the state so the last model we had to look at a highway condition was the shop in Rochelle Park and that was a mess. Route 17 was it was horrible.

Mr. Kennedy – The data published by the ITE is based on other sites. To my knowledge I don't believe any are in New Jersey. What I will say is that as more of these types of developments are opening up and I mean at this point just from the site in a five ten mile radius there's three four maybe five different retail facilities like this. You aren't going to see as big of a boom like the development you're talking about. That was really the first of it's kind. As these different areas pop up I think that people are going to use them more as a convenience it's on my way home from work this one's closer than that one rather than the first one everybody had to go to that one because there was nowhere else to go. I think the trips to these types of developments kind of disperse throughout as more and more start opening up.

Mr. Duffy – You are aware there is another location of cannabis.

Mr. Kennedy – Right next door yeah. I think that even further helps the trip generation to this site.

Mr. Duffy – Really I'd be interested to hear that.

Mr. Kennedy – There's two battling entities it's like if you had two car washes right next to each other you're going to go to whichever one either you like better or you think is more convenient to you.

Mr. Paparozzi – But you're going to be drawing twice as many cars. If you have two car washes instead of getting 20 cars you might have 40 and the same with this business. You don't have to get your car washed unless one carwash is better but in this case the retail is going to be other than price it's going to be the same product. You're going to have maybe 20 people going to the other establishment and if this was to be approved you might have 20 people going to this so it sort of doubles your input. Again the Board knows that they would take that into consideration.

Ms. Murray – We all know what 46 is like and yeah we all must have used that shoulder to get off at Walmart for one reason or another. I know that's not in your realm to consider that but I tend to look at the data and know that the average data doesn't always supply the right picture for the actual. The actual

is sitting there and counting how many cars are sitting there and you get to move like four car lengths before the light changes and so that traffic is there. You might not have as many trips but you're going to have a ton of traffic. The other thing is the site and the parking and the whole transfer I don't know that you considered the other tenants in the application. You considered your own which is your job but I don't think you've considered what Sammy has there. I don't know if you've considered what the vape shop brings in as far as travel how the apartments should be parking. I don't think if I lived in those apartments I want to be told by the landlord to go around and park in the back in a dark parking lot at night when my entrance is in the front and I live in an apartment. There are things about the whole layout that should be divided up and looked at as a whole. If you're going to provide it as a whole you have to look at it as a whole and accommodate to make sure that Sammy has the ability to maintain his business. Right now he's got haphazard parking yes but he's also got an area that looks like it's fenced in with refuse behind it that's going to be where your sidewalk is and your driveway is. So there's a lot of things that have to be looked at on whole and make sure they're detailed. I don't want to make a decision that's going to affect another tenant in a poor way. That's what I'm looking at this point too. It's a whole application but it's basically your client's consensus as far as what they think they can do on the site. Traffic is always a funny one because I don't believe in any of the numbers you actually giving because I don't think they're very average for certain where he is but we have to use them because that's the data we have.

Mr. Mazzer – They have to do some homework and come back and I request they bring the owner with them.

Mr. Duffy – That's a good suggestion I don't know if we can compel them.

Mr. Mazzer – No but if he wants to rent his space better come down and help us.

Ms. Kasetta – We could request that he come.

Mr. Schilp – Where are the fire lanes?

Mr. Kennedy – I'm sorry.

Mr. Duffy – We didn't get into the fire lanes or the turning radius or anything yet did we?

Mr. Schilp – No that's why if he's the traffic guy he should have all that good information I'm hoping.

Ms. Kasetta – For this I'm going to call Mr. Flores back up he could show them on the site plan.

Mr. Flores – We're anticipating to have a pumper fire truck to go into the back. We're not anticipating to have any ladder truck to go into the back and then the easement access that serve lots 5.01 and 6.01 is able to accommodate the turning for the pumper fire truck.

Mr. Schilp – How long is the truck that you used?

Mr. Flores – Forty feet and we submitted these plans to the Fire Department and we're waiting for comments or any recommendation from them so we're still waiting on that.

Mr. Schilp – If there's a fire in the back of the building and you have to put the ladder truck up you're going to have to park in the front the ladder's not going to reach the back of the building. You have to plan for a ladder truck. A ladder truck is anywhere between 46 and 48 feet.

Ms. Kasetta – Can I ask would that be typical for a two story building for the ladder truck to have to go to the rear.

Mr. Schilp – if you have a fire in the back of the building you have to put the fire out you have to bring the truck back there.

Ms. Kasetta – To the rear of the site?

Mr. Schilp – Oh yeah definitely. That's the arguments I have with some of the other developments the Town is talking about and I totally disagree with what they want to try and do. They didn't go through but the ladder truck needs to have access to the back of the building and you can bring a pumper truck back there and drive around the parking spots and come back out or you're proposing to pull in and back all the way out.

Ms. Kasetta – What was the size of the ladder truck?

Mr. Schilp – Between 46 and 48 feet.

Mr. Duffy – What's the largest truck we have?

Mr. Schilp – Ladder 3 is 46 and a half feet.

Mr. Flores – What is the smallest one?

Mr. Schilp – I believe it's Engine 4 which is the old truck which is going to be replaced soon. That's 38 and change but the majority of the trucks are at least 40 feet.

Mr. Duffy – It would be prudent to consider the largest because you may plan for the pumper to fit but you have no way of determining what would happen in the case of an emergency if there was a fire. Incident commander is going to take that they're going to decide where the trucks going to go that's out of our realm so we would plan for what's the biggest truck we got because if that's the one that shows up then. What if there's two fires in Town and you don't get a pumper over here and you have to have a ladder so there's all those scenarios so you have to plan for that one.

Mr. Schilp – Was the pumper able to drive in the access drive around the parking spots and come back out or was it looked like to me the driver.

Mr. Flores – They're pulling in the back and making a K turn coming back.

Mr. Schilp – That's really tight to do something like that. I've been driving fire trucks for fifty years and I know.

Mr. Duffy – Anything else?

Mr. Schilp – The delivery spots are still being thrown around.

Mr. Duffy – Will the change in those spots have any impact on the turning radius?

Mr. Flores – Yes they will.

Mr. Duffy – You have to show us that. Since no one has any other questions can I have a motion to open the meeting to the public?

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Ms. Kasetta asks for a five minute break to confer with her client.

Mr. Duffy allows for the break.

Ms. Kasetta – Given the hour and the comments that have been made we think that it would be best to adjourn give us a chance to regroup a little. What I would like to do is go through my notes and make sure that I have everything covered so I know what homework we need to do before we come back.

Mr. Duffy – Sure.

Ms. Kasetta – Show the accommodations inside the building for the employees in both cultivation and retail spaces. Add bollards in the front of the building to protect from vehicles driving into the building. Look into the delivery use and types of vehicles for the other businesses in the building so we can figure out the loading situation and make sure that we're not interfering or that the other businesses are not interfering with our operations. The Board would like to get the Fire Inspector's opinion on sprinklers. Show the sewer lateral and water meter. Look into whether this property is actually connected to the sewer. Provide more detail on the electric vehicle spaces and the equipment that would be included in those.

Mr. Duffy – There was a possibility of a proposed change on the number of EV vehicles so just reflect that.

Ms. Kasetta – Yes. There were questions about the waste water device on the border of lot 4 so we will provide more detail on that. We wanted to know about the verbiage of any signs even though they're not proposed as part of this application but we can come back and tell you what we envision them saying. You would like the property owner to come and be able to answer questions. The traffic study did not consider the other uses in the building so you would like us to factor those in. Access to the rear for the Township's ladder truck and don't think it's appropriate to be making a K turn to get back out.

Mr. Schilp – If there's enough room back there but I've watched them put a K turn in it means you back up against the car and then you go up against the building in the front. You need room it's not a science.

Mr. Duffy – Did we cover everything?

Mr. Paparozzi – There were some changes to the engineering plan. One separation of the refuse and recycling. The zoning chart has 45 spaces provided when there's only 42. Showing the location of the generator. Possible loading and unloading spot that is going to be installed.

Ms. Kasetta – Sign the plans.

Mr. Cialone – There was something about the lighting in the rear parking lot.

Ms. Kasetta – Yes so we had approached that as a potential condition of approval but if we're going to be revising the plans anyway we can make that adjustment.

The Board is in agreement with what Ms. Kasetta had listed.

The Board carries the application to the January 8, 2024 meeting without further notice and Ms. Kasetta agrees to a tolling of the time period for the Board to make a decision on the application.

Mr. Schilp makes a motion to carry the application to the next meeting without further notification. Ms. Murray seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Mr. Manzo, Mr. Duffy – YES.

6. OLD BUSINESS

a.) Deugen Development, LLC, 210 US Highway Route 46, Block 105, Lots 2 & 3

Applicant is proposing aesthetic changes and wants to know if they need to come back to the Board for approval.

The Board determines that the changes to the plans are De Minimis and that they do not need to come back to the Board.

Mr. Schilp makes a motion that the request for changes are De Minimis and they don't need to come back for Board approval. Mr. Burbano seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Mr. Manzo, Mr. Duffy – YES

b.) Chefler Foods, LLC, 400 Lyster Avenue, Block 1009, Lot 9

Applicant asked for a one year extension to begin their approved project but is not able to attend this meeting or the January 2024 meeting to answer the Board's questions.

The Board makes the decision to give them the opportunity to attend the February 5, 2024 meeting but that it is the last chance that they have to appear.

Mr. Schilp makes a motion that before the Board makes a determination whether or not they're going to grant an extension they need the applicant here at the February 5, 2024 meeting to provide information about the extension and answer questions that the Board has. Mr. Burbano seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Mr. Manzo, Mr. Duffy – YES

7. RESOLUTIONS

A.) Approval for Imran Shaikh, 453 Dewey Avenue, Block 703, Lot 20

B.) Approval for Manuel Brito, 139 Alberta Drive, Block 1503, Lot 13

Mr. Schilp makes a motion seconded by Ms. Murray to approve the resolutions.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Marz, Mr. Burbano, Mr. Manzo, Mr. Duffy – YES

8. MINUTES

Meeting of November 6, 2023 Regular Meeting

Mr. Schilp makes a motion seconded by Mr. Duffy to read and file the minutes. All in favor – YES.

9. COMMUNICATIONS

Marjorie Miller to the Zoning Board of Adjustment, 11/06/23
Anthony Kurus to the Zoning Board of Adjustment, 11/08/23 (224 Midland Avenue)
Anthony Kurus to the Zoning Board of Adjustment, 11/14/23 (224 Midland Avenue) Revised
Brian M. Chewcaskie to the Zoning Board of Adjustment 11/09/23 (Deugen Development – U-Haul)
Charles H. Sarlo to the Zoning Board of Adjustment 11/10/23 (Chefler Foods)
Charles H. Sarlo to the Zoning Board of Adjustment 11/20/23 (Chefler Foods)
Charles H. Sarlo to the Zoning Board of Adjustment 11/22/23 (Chefler Foods)

Mr. Schilp makes a motion seconded by Ms. Murray to read and file. All in favor – YES.

10. VOUCHERS

Basile Birchwale & Pellino, 11/17/23, Imran Shaikh, 453 Dewey Avenue, Block 703, Lot 20 \$250
Basile Birchwale & Pellino, 11/17/23, Manuel Brito, 139 Alberta Drive, Block 1503, Lot 13 \$250
Neglia Engineering Assoc., 11/13/23, Carrols Restaurant, 439 Market St., Block 705, Lots 24-26 \$198
Neglia Engineering Assoc., 11/13/23, Manuel Brito, 139 Alberta Drive, Block 1503, Lot 13 \$165
Neglia Engineering Assoc., 10/16/23, Inhale Industries, 249 Rt. 46, Block 120, Lot 5.01 \$546
Paparozzi Associates Inc., 11/07/23, Inhale Industries, 249 Route 46, Block 120, Lot 5.01 \$840
Paparozzi Associates Inc., 11/07/23, U-Haul, 210 Route 46, Block 105, Lots 2 & 3 \$63.75
Return of Unused Escrow, 11/24/23, Puccio Realty Associates, Block 1717, Lot 4, \$8,418.74

Ms. Murray makes a motion seconded by Mr. Burbano to pay if the funds are available. All in favor – YES.

11. OPEN AND CLOSE MEETING TO THE PUBLIC

Mr. Schilp makes a motion seconded by Mr. Manzo to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Mr. Schilp makes a motion seconded by Mr. Marz to close to the public. All in favor – YES.

12. ADJOURN

Mr. Duffy makes a motion seconded by Mr. Schilp to adjourn. All in favor – YES.