

## **TOWNSHIP OF SADDLE BROOK PLANNING BOARD**

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, February 26, 2024, 2024 at 7:30 p.m.

### **1. FLAG SALUTE**

**2. ROLL CALL:** Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Maniscalco, Mayor White, Mr. Camporeale and Mr. Vermilyea - YES                      Ms. Barrale - ABSENT

Also present were Anthony Cialone, Board attorney, Anthony Kurus, Board engineer and Gary Paparozzi, Board planner.

### **3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT**

### **4. SWEAR IN NEW MEMBERS**

Mr. Cialone swore in mayor's alternate, Mauro Camporeale and 2<sup>nd</sup> alternate, Keith Vermilyea.

### **5. NEW BUSINESS**

#### **A.) Minor Subdivision w/ Variances**

Nancy Lovelace, 374 Floral Lane, Block 1402, Lot 3

Mr. Cialone – There was an adjournment request. They asked to be placed on the March 18, 2024. They waive the tolling of time.

#### **B.) Site Plan for Conditional Use**

MOM New Jersey, LLC, 220 Fifth Street, Block 104, Lot 1

Eric Reiser, attorney for the applicant came forward.

Mr. Reiser – We represent MOM New Jersey, LLC, which does business as Megan's Organic Market. The application before the board is for conditional use approval and for preliminary and final site plan approval to operate a Class 5 cannabis retail facility. We have submitted a site plan and an amended site plan, architectural plans and the amended architectural plans and some analysis in terms of the conditional use standard. Because this is a conditional use, there is a separate type of parking requirement. The amendment was done to correct the parking calculation which is done under the conditional use standard under the retail floor space, instead of the gross floor space. The retail floor space is 1,164 square feet. When you divide by 200 (the requirement), you get 5.84 spots. We're proposing six compliant spots. The original site plan was proposing to utilize the original 25 spots that are on site and striped currently, however we're more than happy to submit an amended plan as a condition of approval to remove those spots so they're not used. This property is located in the B-2, Secondary Business zone, which is zoned for cannabis retail use. The existing use of the property is a dentist office, which has not been active for a couple of years now. The proposed minor site plan consists of the conversion of the existing building use as a Class 5 cannabis store. Associated site improvements that are being presented in terms of restriping the parking area for ADA compliance, and an in-kind replacement of the existing façade sign. There are no other changes being proposed to this property. The property borders Route 46 and Fifth Street. This company has received its final agency approval from the state of New Jersey. The final step is to gain this type of approval, pass a final inspection by the state and then commence operations.

Nicholas (Nick) Andre, COO of MOM New Jersey, LLC was sworn in.

Mr. Andre – I am the chief operating officer of Megan's organic market. We have five retail stores in California, this license in New Jersey and two licenses in Massachusetts. The company started as a medical delivery service in 2010 on the central coast of California, by a woman named Megan Susa, who is the CEO and founder. There was a lack of access to medical cannabis at the time. Back then it was all delivery service with an all-female delivery staff in uniforms and the products were packaged in picnic baskets. She became the market leader in that area. There is a long standing expertise in our company, done in a tasteful, wholesome way. Giving back to the community is a huge part of the company. It is a 100% women owned company as well. I oversee the retail operations of the company, audit stores, make sure the compliance (state and local regulations, as well as MOM standards) is in order. I will be here at this store at minimum, quarterly doing audits. I'm originally from the east coast. I will be overseeing our retail director, who oversees the general manager.

Mr. Reiser marked the list of variances and waivers Exhibit A-1.

Mr. Andre – This list was provided by our planner. Referring to Exhibit 1, Letter of Intent – We entered into an LOI to purchase the building from its current owner in 2021. We've received a couple of extensions from the property owner. Once we have all of our permits and licenses and approvals, we will close on the building by April 1. Our affiliate MOM USA, LLC (our parent company) will be the owner of the building. MOM New Jersey, LLC will be leasing from MOM USA, LLC. Referring to exhibit 2, Letter of Support from the Zoning Official – In 2022 I presented before Town Council and we obtained zoning verification in a letter that was required by the State of NJ in order for them to proceed with the processing of the application. We obtained a resolution of support from the town Council (Exhibit 3). The final agency decision from the State of NJ is Exhibit 4. We applied for a Class 5 license. We could have taken a conditional (easy) path or an annual path. The conditional path only gets you half way there, then you have to go back to them and do a bunch of additional things. We went for the full annual license, which is all we will need. We don't need anything else from the state other than a final inspection. Once passed, we can open.

We proposed to be open seven days a week, starting with the hours of 9:00 am to 9:00 pm. If we see certain traffic patterns, we may contract or expand those hours. The busiest hours in our dispensaries are 3:00 – 7:00 pm. We're looking to hire 5-10 employees, with 3-4 onsite at any one time. There will be two shifts per day. We have a companywide initiative that encourages the use of public transportation and/or biking or carpooling. We incentivize our employees to come to the site without driving their car just for themselves to preserve the amount of parking available for customers and as part of our green initiatives. We are a green certified business within the state of California. We anticipate 100-200 customers per day, spending 5-7 minutes at most in the store. Many customers will order ahead online, come in, have their ID checked and pay for their product at the express register. Our website allows customer to browse and do product research, as well as order product. Inventory team will then pick and pack that order. Customer can also come in to shop. ID is checked in the lobby. Doors between lobby and retail floor are always locked and are controlled with a remote access device. The receptionist presses a button to unlock the door after the verification is done. They then enter the retail store. We set everything up like a normal store, except the product packages are empty. You can read about the product on the packages, making it a more normal shopping experience. You can then take the package, put it in a shopping basket and bring it to the register where they will swap the empty package out with a product package with cannabis in it. No one under the age of 21 may enter the store. There is a two-step verification of age: first in the lobby and then at the point of sale. We also have a security guard. Staff is trained to do periodic checks of the parking lot to make sure no one is loitering and that no one has brought anyone under the age of 21 to the premises in their car. There is no tolerance for consumption on the premises. We have developed standard operating procedures for all parts of the business including sales process, recordkeeping, security, age verification, etc. The class

5 cannabis retail license does not allow us to grow or manufacture retail cannabis. The product comes prepackaged and is not opened in the retail store. There is no odor that emanates from it, although we do install, as a precaution an HVAC system with advanced odor mitigation, as well as UV light filtration to kill viruses and bacteria for customer and staff safety. There is no odor outside of the store either. We are not permitted to buy product out of state, but only from licensed vendors within the state. Our procurement team does thorough due diligence on all the different brands and products in the marketplace. Our initial order gets put through Metrc, the state's track and trace system. When the order is dispatched from the distributor, Metrc is notified. It arrives at our facility through a dedicated entrance used only by vendors and staff that goes directly into an inventory intake room. The vendor has to sign the visitor's log and have their credentials checked. Our team of inventory professionals check to make sure that the labelling/packaging meets state's standards (child proof and relockable, etc.). If everything is okay, they accept it within the Metrc system and sync it to Trees, our POS system. Trees has a lot of compliance tools, keeping us compliant with purchasing limits and making sure our inventory is tracked properly. The product is tagged and stored within the vault on shelves. The vault itself has wire mesh within the walls. It's a very secure building. The state of New Jersey can see our inventory at any time. We do random inventory checks each day and once a month a full inventory. We had to supply security plans to the State of New Jersey to get approval. Our plans were developed by Sapphire Security, a national leader in cannabis security. Every single door is metal with electronic access cards to gain access. Only inventory personnel would have access to the vault and inventory areas. Receptionists would be able to unlock the front door. Customers have no access to limited access areas. There's a film that goes over all of the glass in the windows and doors, making them smash resistant, bullet resistant windows. We also have 24-hour video surveillance. The footage is stored on the camera in hard drives and is also uploaded to the cloud. It has a 24/7 live feed for the state of New Jersey and the local police department. They have advanced features such as license plate reading and search features, good for investigations, if there ever is a need. We will also have panic buttons under the registers, like those found in a bank. There will be roll down shutters, like mini garage doors, that sit on the inside of the building, so you can't see them from the outside. We also have burglar and fire alarms monitored 24/7. If the power goes out, we have a battery backup system. This alleviates the need for a generator on site. Our GM will be a local hire and accessible after hours. The town will also have my personal number and Megan, the CEO's personal number. One security guard is on site during all operating hours to provide a visual deterrent. They do routine site walks and walks around the area just to be a good neighbor. They will have a radio. Cannabis used to be a cash only business, but now there are debit card processors and a form of payment called cashless ATM. We will have ATMs on the premises and accept cash payments. In our California stores we see greater than 50% of our transactions come through non-cash payments. This means we have significantly lower cash amounts onsite. We have weekly cash pick-ups by a van from our bank. Cash is stored in a safe inside the vault. We don't generate a lot of waste. It's mostly cardboard boxes from the delivery. We will have trash barrels stored within the facility for standard waste. Cannabis waste is very minimal. It can happen if a product package breaks inside the vault or if a customer makes a return. We render it unusable then take a soil mixture and the cannabis into something similar to a food processor. Then it gets placed into a locked bin labeled 'cannabis waste' and is then picked up by a private waste hauling company. We believe this building and operation complies with building, zoning and property maintenance codes of the township. The signage on the front of the building will not include the leaf found in our logo. All you will see is 'Megan's Organic Market'. We pride ourselves on being a good community steward and a good neighbor, doing good for the community and giving back. We have a community outreach person whose number is on the outside of the building and on the website. If there's ever an issue, that person is available by email or by phone and the complaint is dealt with within 24

hours. We've never really had any issues in all of our other locations. We're hoping to hit about \$5 million in revenue the first year. Our finance team pays all local and state taxes on time, including the 2% to the township.

Mr. Hickey – Will you have a cardboard crusher?

Mr. Andre – No. Sometimes the distributors take them back to reuse them. Otherwise they are folded and put in a recycling bin.

Mr. Hickey – Do you deliver?

Mr. Andre – Not here in NJ.

Mr. Hickey – What do your guards do to prevent someone from smoking pot outside?

Mr. Andre – They confront people and call authorities, if necessary. That rarely happens. We only have armed guards when the local police department requests it.

Mr. Hickey – Would you consider hiring an off duty Saddle Brook police officer?

Mr. Andre – If that was allowable within the regulations, I don't see why not.

Mr. Hickey – You're keeping a security log with name, date and time?

Mr. Andre – We scan their driver's license, so our system can check it against the database to make sure they are 21 or older, but we are not allowed to keep their name unless they consent to joining our loyalty program.

Mr. Hickey – How bright will the lights be?

Mr. Andre – We use Dark Sky Compliant Lighting where everything points down and has a hood covering it.

Mr. LaGuardia – Will law enforcement be able to trace the product sold?

Mr. Andre – Yes. The product can be traced through the Metrc Tracking system.

Mr. LaGuardia – I have seen some businesses have burglar bars in the a/c system ductwork.

Mr. Andre – I will make a note of that.

Mr. Ambrogio – Where will you store the recycling?

Mr. Andre – The rolling bins are within the facility's storage room.

Mr. Cook – Will you have curbside pickup?

Mr. Andre – No. That was permitted in CA during covid.

Mr. Compitello – Is the product really organic?

Mr. Andre – Because of the federal/state incompatibility, USDA has not set any thresholds for cannabis on pesticides and therefore every product in the supply chain has stricter standards than organic. You can use no pesticides, no chemical fertilizers or anything.

Mr. Reiser – The CRC has very specific regulations as to representing that a product is organic. You can't do that unless you have the official designation as such. Although the CRC approved the name, they are not making representation that they are selling some sort of organic product.

Mr. Maniscalco – How many parking spots? How many are for customers?

Mr. Andre – We will have approximately 100 - 200 customers per day who spend 5 - 7 minutes in our store. Our highest grossing store which performs well beyond what we expect here has 8 spots total, so I am completely confident that 6 is more than enough.

Mr. Maniscalco – Not all employees will take public transportation. I don't know how you'll control it if employees and customers start parking in front of people's houses on Fifth Street.

Mr. Andre – We have control over the employees. We will ask employees not to park within the neighborhood. Many times we create partnerships with nearby businesses that we can utilize spots for employees parking. We want our customers to park in the parking lot. My hope is that they will carpool or take the financial incentives we provide to them for other forms of transportation. We cannot control what customers do, but we will try to direct behavior.

Mr. Reiser – There was discussion before we presented today. There was an analysis by the township's engineer regarding the spots that were originally proposed. 5 or 6 of them were partially owned by the township. I don't know if there's a way we could lease those spots. The applicant is open to doing that to increase parking.

Mr. Maniscalco – Do you have plans to pave?

Mr. Andre – We will seal it to make it look new.

Mr. Maniscalco – What's your plan for snow removal?

Mr. Andre – We will have to hire a company to take it off site.

Councilman Gierrek – How often and at what time do you get deliveries? What size truck delivers?

Mr. Andre – It is typically a Ford transit van during business hours (9:00-5:00) a couple of times per week.

Mr. Hickey – Does the Blue Law apply?

Mr. Reiser – There are other dispensaries in Bergen County that are open on Sundays. If it's a requirement of the town, they're happy to not operate on Sunday.

Mr. Paparozzi – I listed that there's a variance for parking, based on 1702-21 listed conditional use standards. For retail, the minimum off street parking requirement for cannabis retail operations shall be 1 space for every 200 square feet of floor area plus 1 space for every 1.5 persons maximum occupancy. I came up with 11. You're providing 6, how is the township going to keep employees from parking on the street. If they park in the 6 spaces, where are the customers going to park? Also, you have deliveries and pick up for cash.

Mr. Reiser – I disagree with the citation to the standard. The correct conditional use standard for parking for this applicant is 1707-21 section 5.d.3., which says 1 space for every 200 square feet of retail space. That's why we get to 6 spaces.

Mr. Cialone – The ordinance has been incorporated into the zoning ordinance, so it's section 206-122 conditional use standards and we're looking at section c, subsection 3 – Minimum off street parking requirements for cannabis retail operations shall be 1 space for every 200 square feet of retail floor area, plus 1 space per every 1.5 persons maximum occupancy in designated consumption area. They don't have a consumption area, so the 1.5 spaces per person is not applicable to them.

Mr. Paparozzi – The 6 spaces that are required does not include for delivery, cash pick up or employees.

Mr. Andre – We often try to get employees to park off site on a neighboring parcel with a business that we partner with. We also offer financial incentive to our employees to use public transit and to carpool. The cash pickup is usually a 10-minute thing and they pull up in front of the door for security purposes.

Mr. Reiser – We meet the requirement.

Mayor White – Why is it that the dental business that was there before had 24 spaces and now we're down to 6?

Mr. Paparozzi – You can't use the 6 spaces that are on state property. Usually the state will tell you to move those spaces off state property. The dentist's office was using them in violation, which can't be grandfathered in. Fourteen feet of the 18' long spaces on Fifth St. are township property (4 spaces). The 5 spaces behind (east of) the building are land locked. You can't get to them. If the neighbor behind puts up a fence, they are inaccessible.

Mr. Reiser – The business can agree as a condition, for example, to put up certain signs directing where parking goes or hire people to police where parking goes off site.

Mr. Paparozzi – I'd like to point out that the dentists parking was by appointment. So it was more controlled.

Mr. Reiser – A potential solution for employee parking is for the business to pay for UBER.

Mr. Paparozzi – The township can't enforce that.

Mr. Compitello made a motion; seconded by Mr. Hickey to open the meeting to the public only for questions for Mr. Andre. All in Favor – YES

Nancy Murray – 588 Pine Ave. – What's the total square footage of the building? Why are you counting only the retail section?

Mr. Andre – It is 2,450 square feet.

Mr. Cialone – The ordinance for cannabis conditional use section specifically states the parking for retail cannabis is 1 space for 200 square feet of retail floor area, not the entire floor area.

Ms. Murray – I'm going to feel sorry for the people who live in that area. 9:00-9:00, seven days a week, people coming and going, sometimes in the dark...I would be very concerned.

Mark Dakos, 235 5<sup>th</sup> Street – Where do you come up this 5-7 minute shop time? What happens to the parking overflow?

Mr. Andre – That's part of the security guard's job to make sure that neighborhood compatibility is being followed. The reason why people only takes 5-7 minutes in the store (based on real data from our existing stores) is because most customers that come into the store already know what they want.

Mr. Dakos – How does security police inside and outside?

Mr. Andre – The guard's job is to roam. They generally spend most of their time in the parking lot and in the lobby, which has a view of the parking lot. They're not necessarily in the retail store unless there's an active situation.

Marlene Dakos, 235 Fifth St. – How will you police where people park? How will you control where people go afterward? It's a parking issue. Would you like this by your houses?

Mr. Andre – If somebody blocks a driveway, a neighbor complains, they provide us with a license plate number and if we're able to link it to a customer, that customer will be permanently banned for our establishment. We also, as a condition of approval, add additional staff, if necessary to provide additional oversight of parking.

Maggie Wapinska, 245 Fifth Street – How far away from Franklin school is this business? Is there any ordinance that regulates the distance to a school?

Mr. Cialone – The ordinance is 500 feet.

Mr. Reiser – It complies with the ordinance.

Ms. Wapinska – What will the money that the town is making be used for?

Mr. Cialone – That's not up to this board. The mayor and Council do the budget and determine how the taxes are spent.

Charles Tumminello, 154 Leswing Ave. – I thought it had to be over one mile from a school.

Mr. Cialone – The ordinance is 500 feet.

Mr. Tumminello – How did a California company target Saddle Brook?

Mr. Andre – I am originally from the East Coast and I wanted to come back here so I encouraged the company to look at East Coast opportunities. New Jersey was the market that was opening up for adult use cannabis. This town fit the demographics and the type of town that we look to operate within. It's a great site.

Mr. Tumminello – Would you want your children within 500 feet of your store?

Mr. Andre – We implement many things to make sure people under the age of 21 can't gain access and don't even know what's inside. I would not have a problem if my future child was walking by the facility.

Mr. Tumminello – What about the clientele?

Mr. Andre – The clientele tends to be people over 55 who can't sleep or have chronic illness.

John Duffy – Have you looked into what bus is in front?

Mr. Andre – Our staff has.

Mr. Duffy – There are two lines: one goes to Hackensack and the other is the New York line. You've limited where you can hire people from.

Mr. Andre – Again, we provide financial incentives for people to use alternative forms of transportation. That could include a bus, a bike, carpooling or any number of modes of transportation, UBER, Lyft. We find that it works.

Mr. Duffy – Have you come up with creative measures to create additional parking?

Mr. Reiser – As I've mentioned, certain spaces are being deemed landlocked, which we're going to be addressing later because we think they can be used. There are also the spots that

are partially owned by the town, which there's got to be a reasonable way that they could be leased or provide metered parking or some other way this business can utilize them.

Ms. Wapinska – How does the company give back to the community?

Mr. Andre – We established what's called the MOM Community Fund. It takes 1% of the gross receipts and puts them into a local community fund. That community fund is overseen by a board of 5-7 local people who typically come from local nonprofits, police, fire, other law enforcement or education system and they allocate the funds to where they think the best use of them are. This is over and above the town's tax revenue. In addition, we have a program within our staff that makes them do community service. We pay them to go out into the community and do 30-40 hours of community service depending on the number of employees on staff. We also sponsor or support community events.

Mayor White – Regarding the tax revenue the town receives, we've talked about hiring additional police officers and maybe purchasing a town wide security camera system.

Mark Dakos, 235 Fifth Street – Who sent out the letter about this meeting? The house next door didn't get it.

Mr. Reiser – I object. Service was properly given.

Mr. Cialone – Notices are sent out to the addresses on the list obtained from our tax office. They have provided proof of service for the mailing to everyone on the list and they published their notice in the newspaper. Proper notice was given per the state statute.

Mr. Compitello made a motion, seconded by Mr. Browne to close the meeting to the public. All in Favor – YES

John Kornick, engineer and planner for the applicant was sworn in.

The site rendering plan, revision date 02/14/24 was marked Exhibit A-2

Mr. Kornick – This site plan includes landscaping. The list of variances and waivers explains how the site complies with the conditional use standard. The property is in the B-2 zone. Class 5 cannabis retail is a permitted conditional use. It is a uniquely shaped lot. It is fronted by State Highway 46 and then Fifth Street. It's a triangular lot. In 1935, the taking occurred and the DOT came in and prepared Route 46 to come through the town. There is parking onsite. We exceed it as it exists today, but as identified by your planner and engineer, we have lot lines that are conflicting with the existing parking spaces. We do meet the standard with 6 parking spaces. We have listened to the concerns and comments and we could offer the easterly side of the building. Someone said if a fence went up it would render those spaces nonusable. Lot 2, Lot 3 and Lot 8 are all associated with the footbridge and are owner by the State of New Jersey. That's the public parking for that footbridge and bus stop. Lot 2 also uses the frontage of our proposed facility for access back to Route 46. Therefore, I believe that the future of a fence coming in and rendering that portion of the parking lot as not usable is nearly impossible. Fifth Street has a full access driveway (right or left in, right or left out). The Route 46 access is a restricted access driveway (right in, right out only). We have a divided highway, so no one can come out and make a left onto Route 46. We did submit this application for a letter of no interest to the State of New Jersey DOT. That's asking them to review the site plan. We note that we are not performing any construction activities within the state highway. They agreed. Part of the analysis is a change in use. This was a dental office. Within the provisions of the state, they do identify trip generation opportunities to evaluate permitting requirements. That's what they call the NJ DOT HAPS Program. It's a very simple calculation utilizing what they identify as ITE Land Use Code (International Transportation Code) that's utilized in determining what the demand will be. It was identified that we do not increase daily peak trips more than 100 in this position; therefore, a new access permit is not required. We submitted that document, dated 01/31/24 as part of our application submission. We're proposing to restripe in front of our building. We will put a compliant ADA space as required by code. The exterior

vestibule will be removed. We will provide some additional landscaping along the building foundation along the north elevation and the west elevation. We will reface the building façade sign on two elevations with no change to the size of the signs. Other than that, we propose no changes to the site. We also received a letter from the Bergen County Planning Board, dated 02/12/24, saying that a site plan review and approval will not be required. (marked Exhibit A-4). We are requesting waivers. Reviewed items 2.1-2.8, in the 01/29/24 Neglia Engineering letter, which have all been covered in testimony. Per 2.3, if a commercial facility is not part of the trash collection service from the town, then the service would be pushed out to the private sector. They would have a licensed hauler pick up on a routine basis. Revised plans were submitted as required in 2.4. Per 2.7, we will work with the board engineer and planner to provide additional striping. Our architect will cover 2.8. Reviewing the 01/31/24 Paparozzi Associates letter, we opine that we meet the standard for parking. We have in the past, had licenses issued to property owners for use of parking in the right of way, which comes with license and insurance requirements. It's an option that could be offered. Pursuant to section 1702-21, section 3a, all business operations will occur indoors. The proposed business is in a stand-alone building with no residential use. The signage complies with the signage regulation as it does not include any text other than the company's name. They have established procedures to insure safety, health and welfare of their employees, customers and public at large. Under 1701-21 section 5 MOM satisfies the conditional use standards. The applicant's operations are not located within 500 feet of any public or private elementary, secondary or vocational schools. Franklin school is over 1000 feet away from this facility. The parking requirement looks at the retail area which is 1,164 square feet divided by 200 = 5.8 spots, which you round up to 6. There is no anticipated odor concerns. All packages are sealed. The proposed operation will utilize the proper ventilation system to prevent any odor associated with cannabis from leaving the business premises.

Mr. Maniscalco – Is a billboard on the roof allowed?

Mr. Ambrogio – The sign ordinance prohibits billboards. There are however, billboards that are grandfathered in.

Mr. Kornick – There is no intent to use it. It will be taken down.

Councilman Gierek – There's 9 spots that are owned partially by the applicant and by the township. I'd like to suggest that we have an off duty Saddle Brook Police Officer there until we can work out an agreement.

Mr. Reiser – I think that would be reasonable and the applicant would agree to that.

Mr. Paparozzi – I suggest you ask the state for a waiver for the five spaces.

Mr. Kornick – I'm concerned that we may not get a response and then we'd have to come back.

Mr. LaGuardia – If you're going to use those spaces, you'd have to label them.

Mr. Kornick – It would be fine to place signs saying parking for this facility only.

Mr. Maniscalco – Are you going to do anything with directional arrows on the ground?

Mr. Kornick – We are. We will work with your board engineer and planner on that.

Mr. Maniscalco - Would you put bollards in the hatched area so it's not used as a parking spot?

Mr. Kornick – We'll look at it.

Mr. Cook – You can angle the parking on the east side.

Mr. Kornick – We could.

Mr. Hickey – Where are the extra spots, the east side or the west side?

Mr. Kornick – Both. We will maintain the 5 spaces on the east side and the spaces that are partially the towns on the west side.

Mr. Compitello - Will the west side be used for deliveries?

Mr. Kornick – Yes.

Mr. Ambrogio – To stop patrons from parking on Fifth Street, could the town issue permit parking only?

Mr. Cialone – It would have to go through the mayor and Council.

John Vico, architect was sworn in.

Plan Page A-1.00 was marked Exhibit A-5.

Mr. Vico – The interior contains five spaces: lobby, retail area, vault, break room and storage area. This is going from a business to a mercantile use. The retail space is where the clients come in to purchase the product. The proposed exterior treatment will be a wet stucco on three sides: north, east and west side. The block on the back will be cleaned up. The vestibule will be removed. No structural changes are proposed. The windows and door will have a smash resistant coating. There'll be a small roof to provide some protection from weather and for aesthetic value as well. Signage will be on 2 sides of the building as shown. The sign proposed on both sides will be smaller than what is existing. The billboard on top will be removed. There will be no structural changes to this building. It will meet all codes and ordinances.

Mr. LaGuardia – Is door 101 an emergency exit?

Mr. Vico – Yes.

Mr. Maniscalco – What are you doing with the roof?

Mr. Vico – It's a built up roof system on top of a metal deck.

Mr. Reiser gave his closing statement.

Councilman Gierke made a motion, seconded by Mr. Browne to open the meeting to the public for questions and comments. All in favor - YES

Satesh Charran, 231 Fifth Street was sworn in.

Mr. Charran – You have a great plan, but being open until 9:00 at night will bring more traffic when the Excelsior already has cars parked all over our street. Also being open seven days a week will impact the residents. I think there are other locations in town that are better suited for this business.

Mr. Andre – We're open to closing earlier, if that's what the township would like. Our flagship store has between 700 and 800 customers per day and we have 12 parking spots. Not one resident there has filed a complaint about parking.

Mr. Reiser – The ordinance only also this type of business in certain spots. That's why this site was chosen.

Mr. Maniscalco – Have you done a traffic study?

Mr. Andre – No.

Mark Dakos, 235 Fifth Street was sworn in.

Mr. Dakos – Traffic has increased throughout the years. When Excelsior has huge parties they have cars parked on both sides of the street. I've had our driveway blocked.

Mayor White – These are existing issues. You should call the police or come to a Council meeting to complain about problems with the Excelsior. This is zoned commercial and somebody is going to move into this site. I agree that 9:00-9:00 are long hours. How was it when the liquor store was there?

Mr. Dakos – Fine.

Mayor White – There was no problem when they were there and there were a lot of customers going in and out. This is a similar business.

Nancy Murray, 588 Pine Avenue was sworn in.

Ms. Murray – You stated that the busiest time is 3:00-7:00. Do you know that that's the time children are going to be coming over that overpass and walking through your parking lot to go to their homes? I would think there should be an officer there to protect the children.

Maggie Wapinska, 245 Fifth Street was sworn.

Ms. Wapinska – After hearing about your company, I like the company model. I like how you give back to the community. My concern is the parking, but if the town can work something out for additional parking, it would put my mind at ease.

Marlene Dakos, 235 Fifth Street was sworn in.

Ms. Dakos – If it's not this, it's going to be something else. I hope we'll all work together. How many dispensaries are allowed in Saddle Brook in addition to this one and the one at Staples?

Mr. Cialone – One more.

Ms. Dakos – I suggest you close on Sunday.

Mr. Andre – Anyone who has concerns or wants to discuss issues, you're welcome to discuss it with us after the meeting or I can give you my business card. We can have meetings to discuss how we can be a good neighbor and work together.

Mayor White – We used to have a crossing guard for the kids to cross Route 46 by Pleasure Plus, but most children are driven to school. There was only 1 child being crossed. If we have a police officer at this site, that would deter anyone from trying to talk to the kids. The 500 foot from a school part of the ordinance is the standard. This business was legalized by the state. We only allow this type of business in a few areas; Route 46 is one of them because it's commercial. I feel for you. I understand you don't want it in your backyard. However, there are some benefits to the town as far as revenue. \$5 million in gross income generates \$100,000 for the town. That could be used for a lot of things, even tax relief.

Mr. Compitello made a motion, seconded by Mr. Browne to close the meeting to the public. All in Favor - YES

Mr. Maniscalco – I still don't agree with the parking.

Mr. Hickey – Are we going to try to put those spots in?

Mr. Maniscalco – One of the options is to make an agreement for the parking and the other is, if possible, through Council we can have resident only parking on that block.

Mr. Hickey – I like the spots on the east and west side as a condition.

Mr. Cialone – The ones on the east side are on their property, so they have those already.

Mr. Paparozzi – I would make it a condition, if the application is approved, to remove the ones on the state property and remove the 4 on the west side on the township property. Then if the township works something out with them, that's fine. I would ask that the site plan be revised to show that.

Mr. Reiser – The applicant would agree to that.

Mr. Ambrogio – Are you considering reducing the hours to close at 7:00 Monday through Saturday and closed on Sundays?

Mr. Andre – We would suggest 8:00 pm as a compromise and closed on Sunday.

Mr. Maniscalco reviewed the conditions discussed:

1. Reduced hours Monday – Saturday 9:00 – 8:00; closed Sundays
2. Eliminate parking spaces on state property
3. Remove spaces on township parking, unless Council approves their use
4. Remove billboard
5. Temporarily hire an off-duty Saddle Brook police officer until an agreement for additional spots is in place
6. Provide revised plans to show 11 parking spaces
7. Revise striping plan with markings showing traffic flow signs
8. Place bollards in hatched space
9. No consumption on property

Mr. Compitello made a motion, seconded by Mr. Browne to approve the application with the above listed conditions. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierke, Mr. Maniscalco and Mayor White – YES

**APPLICATION APPROVED**

## **6. RESOLUTIONS**

Mr. Compitello made a motion, seconded by Councilman Gierek to approve the following resolutions:

- Appointing Chairman
- Appointing Vice Chairman
- Appointing Secretary
- Regarding Compensation of Professionals
- Authorizing Contract with Board Attorney
- Authorizing Contract with Board Engineer
- Authorizing Contract with Board Planner
- Regarding Completeness Determinations
- Resolutions Authorizing 2024 Meeting Schedule
- Resolution Designating Official Newspaper

All in Favor - YES

## **7. MINUTES**

Mr. Compitello made a motion; seconded by Mr. Browne to adopt the minutes of the reorganization and regular January 15, 2024 meetings. All in Favor - YES

## **8. COMMUNICATIONS**

Mr. Compitello made a motion; seconded by Mr. Browne to accept and file the communications. All in Favor – YES

## **9. VOUCHERS**

Mr. Compitello made a motion; seconded by Mr. Browne to pay the following vouchers, provided funds are available:

- Return Unused Escrow, Wal-Mart Real Estate Business Trust, Inc., 01/15/24, \$5,111.14.
- Return Unused Escrow, BT Newyo, LLC, 02/26/24, \$6,793.71

All in Favor - YES

## **10. OPEN AND CLOSE THE MEETING TO THE PUBLIC**

Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public.

All in Favor - YES

No public participation.

Mr. Compitello made a motion; seconded by Mr. Browne to close the meeting to the public.

All in Favor - YES

## **11. ADJOURN**

Mr. Compitello made a motion; seconded by Mr. Browne to adjourn the meeting.

All in Favor - YES

Meeting adjourned 10:46 p.m.

Respectfully Submitted,

Jayne Kapner  
Planning Board Secretary