

TOWNSHIP OF SADDLE BROOK
ZONING BOARD OF ADJUSTMENT MINUTES
October 7, 2024 Regular Meeting

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday October 7, 2024 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

1. CALL THE MEETING TO ORDER

2. FLAG SALUTE

Mr. Duffy asks that everyone remain standing for a moment of silence for the families affected by the war in the Middle East and especially today being October 7th one year since it began.

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

Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Ms. Nobile, Mr. Francin, Mr. Rizzo and Mr. Duffy – Present. Mr. Burbano and Mr. Manzo are absent. Mr. Cialone the Board Attorney, Mr. Paparozzi the Board Planner and Mr. Kurus the Board Engineer are also in attendance. Mr. Francin sat in for Mr. Burbano who is not present.

5. NEW BUSINESS

A.) Meghan Laurikietis, 591 Oak Avenue, Block 1710, Lot 21

Applicant requests a variance to construct a new single family house that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Mr. Cialone confirmed the notice was in order and they may proceed.

Mr. Cialone swears in Meghan Laurikietis and she gives her current address as 2 Youngs Place in Saddle Brook.

Mr. Duffy – Could you walk the Board through what your plans are?

Ms. Laurikietis – I am building a single family home on 591 Oak Avenue. To my knowledge the property meets the majority of the town codes with the exception of the width of the lot which is currently 55 feet versus the required code of 65 feet.

Mr. Duffy – So you are seeking a variance for the minimum front yardage.

Ms. Laurikietis – Minimum lot width.

Mr. Duffy – Which is the frontage. Let’s start with our engineer.

Mr. Kurus – The only items that we noted in our report was to have the architect update the plans the zone table to correspond with the variances noted in the letter of denial. He had a wrong setback for the one side yard. This table is showing a variance for a side yard setback which they don’t need so if he corrects that I think that takes care of the side yard setback.

Mr. Duffy – Is that the only issue?

Mr. Kurus - That’s all I have on the zoning and I guess if the architect did the plan for drainage I don’t think although we agree with some of the captivations and the details so we had some comments about having that drainage verified by an engineer and then there were some notes about the testing that has to be done for the seepage pits and the proposed drainage. Also it’s disturbing more than 5000 square feet they need Bergen County Soil Conservation approval before beginning construction. That was all I had.

Mr. Mazzer – I have a question for our Planner that Bergen County Soils is it a lot bigger than 5000 or is it 5000 disturbed?

Mr. Paparozzi – Five thousand disturbed but disturbed area commissioner goes to the curb not the property line so everything that's disturbed during construction is included in the calculation.

Mr. Mazzer – Okay.

Mr. Paparozzi – It's definitely going to be 5000 they're building back.

Mr. Mazzer – I see she's putting a pool I the back so she's going to be disturbing a lot. It was a question that if she had to get it automatically.

Mr. Paparozzi – Before she gets a building permit she would have to get the approval from Bergen County Soils just to one verify what the engineer alluded to about the drainage.

Mr. Schilp – On your prints here on page A1 in the proposed basement floor plan it is absolutely against the laws to have a bedroom in the basement. There is no exit out of the basement if God forbid there's a fire.

Ms. Laurikietis – I was under the understanding with my architects that because we're putting in a Bilco window as a fire exit that that was okay.

Mr. Duffy – That the Bilco window would be sufficient.

Ms. Laurikietis – Yes.

Mr. Duffy – I think that well is about eleven feet deep.

Ms. Laurikietis – Yeah.

Mr. Schilp – That'll be right on the property line and it's going to be a straight up ladder?

Ms. Laurikietis – It'll be a walk like stair steps out.

Mr. Duffy – That's a Bilco type of door that's slightly different than a window well.

Ms. Laurikietis – Right its Bilco.

Mr. Duffy – Bilco is the manufacturer.

Ms. Laurikietis – Okay.

Mr. Duffy – I know what he's talking about he's talking about a well that's going to go down about eleven feet and this is going to be a fire escape right.

Ms. Laurikietis – Yes.

Mr. Duffy – It's not a staircase that you would think like basement stairs going up to your second level.

Ms. Laurikietis – Correct.

Mr. Duffy – It's a ladder going straight up.

Ms. Laurikietis – Yes.

Mr. Duffy – Off the top of my head I'm not sure if that's permissible.

Mr. Mazzer – It is and the way they have it drawn up there's certain restrictions that it's got to be so far off the floor so somebody can open that up and get out. The Construction official would have to make sure that it's compliant.

Mr. Schilp – I think it's an extremely dangerous situation. I for one wouldn't want my kids to be sleeping down there all night and have them climb up a ladder to get out of there if there's a fire. It's very dangerous. What's on the top of this is there big steel doors that you have to open?

Mr. Mazzer – There's no door on there it's all open. It's like a window well. When they spec it in the building code you have to have a drain there because it's open. It's not like a Bilco door that you're thinking of this is the Bilco Company.

Mr. Schilp – If it snows you have to go out there and shovel it out eleven feet up.

Mr. Duffy – If I'm not mistaken I think they make caps for them that when you come up the ladder anybody can easily pop their hands up. We've done this on other applications where now you have an open pit that anybody walking by could fall in so we always put in approvals for these some type of safeguard. One could be railings around it which would probably pose a little bit tougher for someone using it as an escape the other is they make covers for them that are easily pushed off. How you accomplish that will be between you and if it's approved between you and the Building Code Official. We would stress that you have to protect it in some manner.

Mr. Schilp – What's the distance from the opening to the property line?

Mr. Duffy – As far as a setback issue.

Mr. Schilp – Setback or if you climb up there and if there's a fence there in the way.

Ms. Murray – The opening shows about four feet and there's seven feet to the property line.

Mr. Schilp – So there's three feet that doesn't give you much for any kind of emergency.

Mr. Duffy – I don't recall what the height of them is. They're not flush with the ground but they're not that high either probably about a foot or so.

Mr. Schilp – You got the two air conditioning units on that side.

Mr. Duffy – The ones that are present now right.

Mr. Schilp – Yeah I was just wondering if they were being moved over from where they are now.

Mr. Duffy – The air conditioning units that are present now on the left side of the house when you're on Oak looking in are they going to be in the same place?

Ms. Laurikietis – I imagine they would be relocated.

Mr. Duffy – They're shown on the site plan but not on the details.

Mr. Pappozzi – The requirement is a six foot setback. Any mechanical even the pool equipment which is not shown as well either.

Mr. Duffy – The pool equipment is noted in the basement.

Mr. Pappozzi – Okay. There's one other issue Chairman accessory structure should be 20 feet to the main building and the covered porch is considered the main building it's not 20 feet. They have the room but I don't know if they want to push that back. Either push it back, make the porch shorter or go for a variance. I think that variance was missed.

Ms. Laurikietis – Push the pool back?

Mr. Pappozzi – You're supposed to be 20 feet from the accessory structure to the main building.

Ms. Laurikietis – Okay we can move it back.

Mr. Pappozzi – That may affect the lot coverage so you're going to need all new calculations for lot coverage.

Mr. Schilp – If there's seven feet on the side of the building these air conditioners look like they're about four feet so they'd need a variance to put the A/C units in?

Mr. Pappozzi – Yes.

Ms. Laurikietis – The pool would be a future addition anyway so for now why don't I just remove the pool and show the air conditioning units on the site plan would that satisfy the request.

Mr. Schilp – I'm sorry.

Ms. Laurikietis – The pool is a future addition to begin with so I can remove it for now and show the air conditioning units on the site plan.

Mr. Duffy – Where would you relocate the air conditioning units to the back of the house?

Ms. Laurikietis – I'm sorry I must be confused I thought they were missing.

Mr. Schilp – They're on page A1 on the left but they show seven feet from the building to the property line and you need six foot from the property line to the A/C. If you have four feet on the A/C that only gives you three foot so that's a variance.

The Board establishes that the applicant needs a variance for the A/C units and the side yard setback. The applicant also states that she will remove the pool and address it at a later time.

Mr. Duffy – It's the original variance for the front yard and now the side yard am I correct?

Mr. Pappozzi – Yes and the corrections to the zoning chart and to the site plan. The removal of the pool and the changing of the numbers for the coverage.

Ms. Nobile – You have a covered porch and then an open patio? Is there no roof on the patio?

Ms. Laurikietis – It's partially covered so there's one side that is roofed which would be for the dining table and then there's a side that is open that is an outdoor kitchen.

Ms. Nobile – Then the other side is just open with no roof.

Ms. Laurikietis – open with no roof it's an outdoor kitchen.

Mr. Schilp – I'm looking at the venting of the fireplace also just have to be careful.

Mr. Tokosh – Do you have any intention of renting the bottom floor?

Ms. Laurikietis – No my father is recently retired and has moved in with me so that is a space for him.

Mr. Duffy – The only egress is through inside the house.

Ms. Laurikietis – Correct.

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

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

Jessica Kern of 595 Oak Avenue comes forward and is sworn in by Mr. Cialone.

Ms. Kern – Before I begin just because I don't know anything about this but I did receive the letter so I just want to clarify before I start talking that I understand the variance that is being asked for. The existing lot of 55 versus the required lot width of 65 is that saying that the house is going to be wider and closer to both houses on both sides?

Mr. Duffy – No.

Ms. Kern – Can you explain what that means?

Mr. Duffy – The house is not going to go from one end of the property line to the other. Saddle Brook had established an ordinance where our properties are 65 by 100 not every property in Saddle Brook is like that in fact quite a bit of them aren't but we would be here for decades to make an ordinance for every single house that's why when someone has a building and they're going to do something like this and she is going to tear down the house that's there and build a new one. So the new house still has to abide by setbacks and that's what we've been discussing. So off the property line they have to be back so far on both sides so it's not going to be where it's 55 feet wide all of a sudden or this one is a front yard so there's not going to be where you're going to open your window and passing a cup of sugar to the person next to you. There are parameters in place that will do that. When you look at the plan the house is about two feet wider than the original structure is now so you already have 12 and a half feet on the one side where the driveway is now. You're not going to encroach much closer than that it's going to be at the most 10.57 so if that is your concern that's not going to happen.

Ms. Kern – Yes that was our concern to us it read that extra ten feet was another five feet on both sides.

Mr. Duffy – No, even if the yard was 65 feet wide and then they wouldn't have to come here for this they still have to abide by the setbacks so you're not going to wind up with a house that's encroaching on yours.

Ms. Kern – Okay thank you.

Carlos Gomes of 14 Wilson Court comes forward and is sworn in by Mr. Cialone.

Mr. Gomes – I only have one concern my concern is the trees they have destroyed my pool twice. What I want to know is part of this construction it might not affect you but it affects me as a resident. I don't want all the trees cut down I would love if you could cut the tree behind the shed and remove all the creatures. There is a ton of animals my grass destroyed three times in the last six years. The previous owners as you are probably aware was an old lady with cancer. The oldest son lived there didn't work didn't do anything so I'd love to hear the plans for the trees I'm happy to help somewhat or tell me I can cut that tree down because two liners now and my grass destroyed. I have young kids I have animals coming in the backyard.

Ms. Laurikietis – The sheds are coming down and a lot of the backyard is overgrown like I haven't gone back there and said this is a beautiful healthy tree I'm going to keep that my plan is to clean a lot of it out. I haven't thought about it but I am clearing a lot of it out.

Mr. Gomes – I know this is a concern for some of the neighbors the trees are huge I don't want it all cut down but I know that they need to be trimmed down they've been neglected for over ten years.

Mr. Duffy – I understand your concern but judging from the plan that is proposed I don't think you will have much of a concern. Those sheds will come down and I was in the yard over the weekend and most of what you see and what you've experienced I would say at least ninety percent of it will be gone. This is outside of our jurisdiction we can't tell her which trees to cut down and which ones to grow or how many to have but I think she understands.

Mr. Gomes – Thank you.

Mr. Duffy – Having heard no one further.

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

Mr. Schilp – On the fireplaces it says they are zero clearance direct vent means it just comes straight out the side of the house.

Mr. Mazzer – Yeah.

Mr. Schilp – You realize that's going to be right over the top of that Bilco stairway that you're putting in. I don't know how big it is but it might be blocking part of it for somebody to get out and if it puts out a lot of heat you put one of these plastic covers over the top you just melted it and caught it on fire.

Ms. Laurikietis – I can work with the architect to see if we can move things or change the venting.

Mr. Schilp – I'm a fireman in Town and I look at this from the fireman perspective and I know we go downstairs in a fire we want to be able to get out somewhere because that's the worst and the stairway is one thing and you put the heat right above it you could cause some difficulty for you and us.

The Board discusses gas fireplaces and the venting of them. The direct venting is used also on water heaters and boilers and are vented right out the side of the structure not through the roof.

There is also discussion about how far the vent comes out and the side yard setback but it is decided that it will not come out any further than the A/C units will be.

Mr. Duffy – Board members if you have any other questions put it on the table now because after Mr. Schilp's question I need to open to the public again.

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

Adam Telzer of 278 Wilson Street comes forward and is sworn in by Mr. Cialone.

Mr. Telzer – My only concern is I was told when I moved onto Wilson Street that there was an underwater well that went in the back yards of those houses so my question is I know there are pools there I just don't want anything to happen to the wells if they're still there.

Mr. Paparozzi – There are no easements shown on the survey.

Mr. Duffy – If this was a matter of record this would be on their survey.

Mr. Telzer – I don't know if it's true all I know is my next door neighbor when they were living there when they were alive 25 years ago they told us the reason why the backyards were so big is because they wanted to put a street in there and they found a stream going in the back. That's all I wanted to bring up I don't know if it's true or not I'm just bringing it up.

Mr. Duffy – I don't know myself if it's true or not if for some reason a record of easement comes out in this process it will have to be addressed but as it stands right now it is not on any of the surveys or documents. Anyone else wish to be heard? Having heard none.

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

Mr. Duffy makes a motion to approve the application with the following variances. The side yard setback for the air conditioning and some type of safety measure put in place for the access well to the basement.

Mr. Cialone - Also the pool is no longer a part of this, revising the coverage numbers, revising the zoning table and complying with Neglia's report of September 20, 2024.

Mr. Duffy – This will all be in the resolution. We have a motion on the floor.

Ms. Murray seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Tokosh, Ms. Nobile, Mr. Francin, Mr. Duffy – YES.

Mr. Schilp – NO.

Mr. Duffy requests a five minute recess.

B.) Best Budz, LLC, 253 Route 46, Block 120, Lot 5

Applicant requests a Use Variance to open a Class 5 Retail Adult Use Cannabis Dispensary that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Mr. Cialone confirms that the notice is in order for this application and they may proceed.

Thomas Garlick is the attorney for the applicant and he comes forward.

Mr. Garlick – We're here for preliminary and final site plan approval along with a D3 variance for conditional use. The property in question is 253 Route 46 Block 120 Lot 5.

Mr. Paparozzi – Counselor for the record the Lot is 5.01.

Mr. Cialone – I noticed the tax records still show it as 5 so that was one of my questions.

Mr. Paparozzi – They haven't revised it yet because the subdivision was only done a couple of months ago. The subdivision made it 5.01 and 6.01.

Mr. Cialone – That was going to be one of my questions whether or not it was ever perfected.

Mr. Paparozzi – Actually Mr. Costa had 5.01 on his plan.

Mr. Garlick – I believe we noticed all the 5 and 6 because of the easement which are the same lots as 5.01 and 6.01 so the subdivision has been perfected. Mr. Costa can testify to that as his office was working on that previously and he does have confirmation it's been recorded with the County. The property is located in the Secondary Business District where classified retail cannabis dispensaries are permitted again we're here because we don't meet one of the conditions of the conditional use that is permitted. I'm sure some or all of you are familiar with this property and other cannabis applications that have come before the Board. They were different applicants and the important key here tonight is that what my client is proposing is a scaled down version of what was previously applied for at this location. We're simply here for a retail use I know previously there were other cannabis uses that were proposed. What the applicant is proposing to do is no change to the existing building except a façade improvement. The footprint is going to remain the same but the exterior façade will be greatly improved from the tire wheel store that's existing today. There'll be a brand new front façade and a new color scheme for the building which our architect will get into. In addition the applicant is going to mill and repave the parking area as well as restripe. Right now the property has some striping in the front but nothing at the rear where most of our parking is proposed which will really organize and improve circulation around the site. Specifically the relief that we're looking for is for the D3 variance part of the conditions for the conditional use in this zone is that no residential units are permitted on the same lot or in the same building as the retail cannabis use. There are two preexisting nonconforming residential units. If the Board is familiar with this property there is essentially what looks like two buildings that are adjacent to each other on the lot. We feel that they're separate buildings but again they are all on the same lot. Our building is to the right or the east the other building is to the left or the west. The two residential units are on the left side they're upstairs above the vape shop that's existing already. Our use will be to the right in a separate one story building. We have witnesses the applicant and operator Desmond Singh who will provide basic testimony as to operations of the proposed use as well as professionals who for the most part have also previously worked on the prior applications so they're very familiar with the site as well as the cannabis uses that are proposed. We have Robert Costa from Costa Engineering to provide site plan testimony. Jim Nicolazzi is our architect from Archstreet, Andrew Vischio from Stonefield to provide traffic analysis and parking analysis and Thomas Ricci from Stonefield who will provide planning testimony as to the variance relief requested.

Mr. Cialone swears in Desmond Singh and he gives his address as 283 Fifth Street in Saddle Brook New Jersey.

Mr. Garlick – Can you provide the Board with your affiliation with the applicant?

Mr. Singh – I am the owner of Best Budz New Jersey.

Mr. Garlick – Provide the Board with a little bit of your background in the cannabis affiliated profession.

Mr. Singh – I'm a Bergen County gentleman I grew up in Lodi New Jersey class of 93. I went to John J. University studied criminal justice and accounting as a minor. I got hired at Englewood Police Department where I served my community. I retired in 2016 I was one of the youngest detectives that was assigned to the Criminal Investigation Bureau back in 2003 and I was one of the youngest at the time. A very successful career and how I got started in cannabis in 2013 I opened up an accounting firm and one of my first clients was in the cannabis industry in Colorado. He needed some assistance and hired me as a consultant to conduct his security overlay which consisted of back then it was the wild wild west it was more how do we protect our money what do we do because everything was cash back then so I had to implement a program to assist them to protect his money.

Mr. Garlick – You've been in the cannabis CBD industry for over ten years at this point.

Mr. Singh – Yes.

Mr. Garlick – With regard to the proposed use and the CRC license can you provide the Board with a status of your class five retail license application with the CRC.

Mr. Singh – I have my conditional licensee it's in transition to changing over to the annual. We submitted the annual we met every requirement that they set forth for us the last thing is the location and property. So we have the conditional in transition to we changed over financials security overlay everything that was required by the State we were able to accommodate and they accepted it.

Mr. Garlick – So essentially finalizing your CRC license is just pending land use approval by the local municipality.

Mr. Singh – That is correct.

Mr. Garlick – You're in a position that if and when you receive that to move forward with the use.

Mr. Singh – That is correct.

Mr. Garlick – I'd like you to take the Board through I believe the Board has architectural floor plans that have already been provided. Our architect will take the Board through that but I just want you to provide the Board with a little bit of understanding of how the space is going to be used when customers visit.

Mr. Duffy – Are we going to refer to a plan?

Mr. Garlick – I think he can just testify to it if the Board would like we can refer to one of the plans that's been submitted.

Mr. Duffy – If he's going to refer to it in his testimony I would like the Board to be able to see what he's talking about.

Mr. Garlick – The plans that we would be referring to is the Archstreet plans. There was a resubmission updated version SK-001.

Mr. Paparozzi – What was the last date?

Mr. Garlick – The last date is 5/17/24 I don't think there's a revision date to it. If it has the signage included on SK-002 that's the most up to date.

Mr. Garlick – Take the Board through kind of how a customer will experience the site.

Mr. Singh – When you first walk into the lobby you'll be met with one of the security guards who is going to take your identification. Identification is going to then be inputted into a database. They confirm that you're legal age 21 years or older to enter the facility. Once that's confirmed you'll be escorted or directed to the entrance of the facility. Once you are inside the retail space you will be introduced to another sales rep who's going to ask you what your needs and wants are. If it's your first time there they're going to explain the process to you. If you're a regular customer and you've been there before they're going to just guide you to the kiosk where you are able to look at the menu and see what you like. They will show you everything you need to see and if you have any questions you're able to ask them and they can walk you through everything. Once you made your decision and you're finalized for everything you'll be guided to the cashier. The cashier you show them your number you're provided a number. Let me go back a little bit. With the kiosk you're provided a number and that number shows you your order. So if you order a number two which is as an example 2 cheeseburgers and french fries a number two you go to the register you pay for your number two. After you pay for it you are directed to the pickup section where your order will be there waiting for you. Once you are at the kiosk and you press send and once it's paid for it goes to the back of house and your order is picked and processed to be delivered to you so you are not waiting for your products. Once you pick it up you are directed outside of the building. The average time is six to eight minutes. If it's a new client we want to spend a little more time with them so we don't rush eight to ten minutes per interaction give or take.

Mr. Garlick – Looking at the floor plan again can you explain to the Board what the process of deliveries will be so this is product delivered to the site.

Mr. Singh – The left of the building where it says receiving we have a receiving door. All of our inventory that comes in we have it set up so the driver of the distributor comes in to drop off our product can pull right into the receiving area which is a secured area located if you're facing the building to the left of the building you'll see the garage door. We're in contact with the driver the driver has to call us within two minutes of his arrival he's met with security and one of the administrators of the facility. Once the driver arrives the receiving door lifts up he pulls in once he pulls in the gate comes back down. Once he's inside we look at the manifest we confirm the manifest to the order we purchased. Once it's confirmed we take the products and we take it to the office in the back of the receiving door. The office is then closed the doors are closed and once it's secure we advise the driver that he is able to leave. He is escorted off the property by the security guard. The gate comes up he pulls off the gate comes back down.

Mr. Garlick – When you say gate there is a garage door that is going close.

Mr. Singh – Correct.

Mr. Garlick – What kind of vehicle makes deliveries what's the size of it?

Mr. Singh – A transit small minivan they're using Dodge Durangos now. The smaller Sprinter vans also. The garage door is the quiet version it's very fast it comes up comes down but it's the silent version.

Mr. Garlick – How many deliveries a week are you expecting?

Mr. Singh – We're anticipating five deliveries a week. They come before store hours to deliver.

Mr. Garlick – What are store hours?

Mr. Singh – We're targeting ten to ten.

Mr. Garlick – 10:00 am to 10:00 pm.

Mr. Singh – 10:00 am to 10:00 pm.

Mr. Duffy – How many days?

Mr. Singh – Seven days a week.

Mr. Garlick – On the floor plan there are a couple of other areas throughout the space I just want you to explain to the Board what the intended use of them is and why you may need them for your business. The offices in connection with receiving what's the intended purpose for them and this is the office space that is behind the receiving door.

Mr. Singh – We have that designated for staff meetings we have training sessions we can have that conducted there as well. If we have so we constantly have to educate and update our employees with rules and regulations and so on and so forth with compliance.

Mr. Garlick – The conference room area.

Mr. Singh – That's for conferences as for example when we have meetings with the State when we have meetings with the insurance company or the Township of Saddle Brook the meetings would be held there.

Mr. Garlick – A more formal meeting place.

Mr. Singh – Correct.

Mr. Garlick – The secure storage area is that the only place where inventory is stored?

Mr. Singh – Yes.

Mr. Garlick – When a client makes a purchase in the retail space that is where the inventory is being taken from and brought around to the customer in the retail space. It comes out of secure storage which is essentially a vault or safe.

Mr. Singh – Correct.

Mr. Duffy – It was my understanding that the receiving was supposed to be secured from any other public access area. That doesn't seem to be the case here since you have an open office are an open break room an open conference room so it's no longer secured.

Mr. Garlick – Secured to the public.

Mr. Duffy – They are members of the public.

Mr. Garlick – You mean the employees?

Mr. Duffy – I have my insurance man come in I have my accountant come those are members of the public.

Mr. Garlick – If you're receiving deliveries are you going to be having any other meetings with anyone outside of the staff.

Mr. Singh – No the deliveries will be done before we even open up the business.

Mr. Garlick – Those kinds of meetings if you were to use those spaces for meetings would be done during normal business hours.

Mr. Singh – Correct.

Mr. Garlick – There's two doors between receiving and office space.

Mr. Singh – Correct.

Mr. Garlick – Those doors act as another layer of security when the truck pulls in.

Mr. Singh – Yes.

Mr. Duffy – What kind of doors are we dealing with?

Mr. Garlick – The architect will testify to that. In terms of employees can you provide the Board right now what your plan is for total number of employees and then total number of employees per shift?

Mr. Singh – We're targeting 12 to 15 employees so we're looking to have 4 to 5 employees per shift.

Mr. Garlick – What's a shift a shift per day?

Mr. Singh – There is going to be two shifts per day. A six hour six hour shift.

Mr. Garlick – In terms of parking we'll get to the site plan and go over where parking is on the site plan but in terms of you know what I will refer to the site plan because I think that will make it easier for everyone.

Mr. Garlick displays Mr. Costa's site plan dated August 29, 2024.

Mr. Garlick – In terms of parking on site do you have any kind of exclusive use of any of the proposed parking that's shown on the site plan?

Mr. Singh – Yes I have the front of my building the side of my building and I have the entire back portion of my building.

Mr. Garlick – When you say in front of your building you mean in front of the store front of the building.

Mr. Singh – Correct.

Mr. Garlick – On the plans there's an ADA space and one individual space.

Mr. Singh – Correct.

Mr. Garlick – Those two spaces are your exclusive use.

Mr. Singh – Yes.

Mr. Garlick – Then the spaces at the rear of the building those are all for you.

Mr. Singh – Correct.

Mr. Garlick – That's pursuant to an agreement with the landlord a lease agreement.

Mr. Singh – Correct.

Mr. Duffy – Your space takes in the receiving garage the employee space and the retail space that square correct.

Mr. Singh – Yes.

Mr. Duffy – You have two spaces in front obviously in front of the receiving garage that'll be open and then you're saying there's parking spaces along the side of the building.

Mr. Singh – No there's no parking on the side of the building I was just telling you we have control of that as well.

Mr. Duffy – The other parking spaces are in the back.

Mr. Singh – Yes.

Mr. Garlick – There's a comment from I believe the Board Engineer's review letter that there's a tree that's proposed to be removed as part of paving the parking lot. Are you in agreement to replace that tree?

Mr. Singh – Yes.

Mr. Garlick – Without getting into a lot of detail just because it's sensitive information security is there a security guard that's going to be I know you mentioned earlier in terms of checking in customers is that security guard going to be present and how often are they going to be present at the location?

Mr. Singh – Yes and they will be present on the location an hour before opening and an hour after we close.

Mr. Garlick – They're there the whole time.

Mr. Singh – Yes.

Mr. Duffy – How many security personnel?

Mr. Singh – Right now we have four assigned.

Mr. Duffy – Four assigned.

Mr. Singh – Yes seven hour shifts

Mr. Garlick – How many per shift?

Mr. Singh – One per shift.

Mr. Duffy – one security person per shift.

Mr. Singh – Correct.

Mr. Duffy – Is that counted in your employee structure?

Mr. Singh – That is.

Mr. Garlick – In the four to five person per shift that security individual is included in that.

Mr. Singh – Yes.

Mr. Garlick – We'll get to specific signage that's been submitted with the architectural plans but I know there's a question about the pylon sign that's existing in front of the building right now. I believe the wheel shop that previously occupied the space had its own sign.

Mr. Singh – Yes.

Mr. Garlick – Is your plan to replace the sign on the pylon with something that's the same size as the wheel shop sign?

Mr. Singh – Yes.

Mr. Garlick – Will the image that's on that pylon sign essentially match the text that's on the proposed sign in the architectural plans which are on SK-002. The imagery will be similar to that.

Mr. Singh – Yes.

Mr. Garlick – It will comply with Saddle Brook's ordinance in terms of what language is prohibited what images are prohibited related to this use.

Mr. Singh – Yes.

Mr. Garlick – Part of the ordinance requires that there be no outdoor activity other than parking things like that. In terms of sales of the product and events or anything nothing will happen outside it's all taking place within the retail space.

Mr. Singh – Correct.

Mr. Garlick – I don't have any other questions for this witness.

Mr. Paparozzi – Just a concern because all of the customer parking will be in the rear and the security guard is in the front.

Mr. Singh – Correct.

Mr. Paparozzi – To prevent anybody from smoking because you're behind the building is there going to be a suggestion would be another security guard or somebody to ensure that they're behind the building that they're not smoking or vaping or whatever they do to make sure they're not enjoying the product behind the building because your security is in front. If he goes in the back now you have no security in your shop.

Mr. Singh – We have a plan in motion for that. We have security cameras around the entire facility covering my lot my neighbor's lot and the entire front portion of Route 46. If something like that was to happen on my property its two solutions we have. One of my team members will relieve the security guard. My team members consist of all retired law enforcement. It's myself I have NYPD, I have State Police and I have Bergen County Prosecutor's Office that will be employed by me. We are all licensed insured to carry so it's very easy for one of us to step up and take the security guard's position and have him address the situation. If it does get out of hand and something that's bigger than what we think it is then we'll notify the authorities and work hand and hand with the Saddle Brook Police Department.

Mr. Paparozzi – During a recent inspection there I noticed the building to the southeast FT Mobility they had about 25 cars parked behind the building.

Mr. Singh – Yes.

Mr. Paparozzi – I'm assuming that's just a temporary condition.

Mr. Singh – That is absolutely a temporary condition. What we're doing is I'm assuming it's her busy time of the year where she's trying to maneuver and get some things done so we allow her to park there temporarily.

Mr. Paparozzi – I just wanted to make sure there is no lease or no agreement because it was interfering in your parking plan.

Mr. Singh – No we're just good neighbors and trying to play nice.

Mr. Paparozzi – That's all I have.

Mr. Schilp – Have you or someone in your organization talked to the tenants about the parking you also are going to change the front of the building are you only changing the front of the building where you are or the entire building?

Mr. Singh – Apartment one is Jason apartment two is Ronny they are not a part of my building their parking is allocated to the left side so their parking situation they already have their parking setup it's already established with next door. With regards to the reface I am not doing the other building just my storefront.

Mr. Schilp – I don't know who's responsibility there would be a sign that says parking for tenants only or for the vape shop only. I can see everybody parking in front and walking over to you. We've had this discussion with the other companies that have come in here.

Mr. Singh – Just in front of the vape shop in front of the furniture store those are all community parking spots they don't belong to anyone. Their tenants already established what their parking actually Ronny I believe parks in my location. He comes in we have a great relationship if he needs to park I'm not going to bother him go ahead if I need you to move I know where you live. He's been there for 25 years I'm not going to tell him you got to move your car. The way it's set up and the way we have such a large frontage it doesn't bother us because there's no parking in the front.

Mr. Schilp – Do you have any plans to grow or cultivate or process?

Mr. Singh – As of right now our plan is to phase one is right here the retail location. If that does arise and we do pursue that we understand we have to come back in front of you and fill out the proper documentation and apply accordingly.

Mr. Schilp – I know when I ride down Route 17 in Lodi they have a shop over there and they got a big sign drive through. Do you plan to put a drive through window in?

Mr. Singh – As of right now we are just trying to open up our retail location. In the future if you allowed it to happen we would pursue it but as of right now we're just trying to open the retail location.

Mr. Schilp – The concern that I have is that there really isn't any area to put a drive through in because down the east side of the building is the walkway so if you put a window over there you did away with the walkway.

Mr. Paporozzi – It's also an ingress egress easement for both properties so they can't.

Mr. Schilp – Are you going to sell to outside and deliver cannabis to people that want to buy are you going to have a delivery service? Obviously, they are delivering to you and if I live in Saddle Brook and I say can you send me a couple of ounces of this product will you have a delivery service like that?

Mr. Singh – When you get a classified license it comes with it if we apply for it. Ideally it would make the most sense because it eliminates traffic away from our establishment and the residents and it leaves an empty parking spot and the business now transfers to deliveries which is something we've considered but we don't have it we're not pursuing it at this moment.

Mr. Schilp – On the drawing SKL-01.00 in the back where it says secure storage just to the left of that behind where it says electrical panel there's two round drums inside a dashed line.

Mr. Garlick – The architect can tell you exactly what it is. The architect will tell you that they're water fountains. The architect said they are required by code he'll testify to that.

Mr. Schilp – You had said that when somebody wants they go through they get what they want so I'm taking the 24 by 48 positions there's five of them across there.

Ms. Murray – That's POS system.

Mr. Duffy – Point of sale.

Mr. Schilp – So I want I tell the person that's there what I want.

Mr. Singh – You order from the POS system yes.

Mr. Schilp – Then I pay them.

Mr. Singh – Right now the way it's set up you can't have cash if you pay by debit card yes you can swipe your card with the POS system. If you are paying cash you have to see a cashier.

Mr. Schilp – Where would the cashier be?

Mr. Singh – The 24 by 48 the last one that says POS it will be right there to the right.

Mr. Schilp – None of them are marked they all say the same thing. One of them either all the way on the right or all the way on the left will be the cash sales.

Mr. Singh – Yes.

Mr. Schilp – Then they would go to the pass through and tell them what they want and they would come back and hand it to the POS station.

Mr. Singh – Once you order it goes to the back of the facility and a printout is generated with the number for that sale and it gets passed forward. Once it's prepared it's passed forward.

Mr. Schilp – In other words if I went to position one I wouldn't go to two or three to pick up I would always stay with the same spot.

Mr. Garlick – I think what he's asking is when the order gets placed at the point of sale the individual who's bringing it up knows where it's going.

Mr. Singh – Correct.

Mr. Garlick – They know what customer and what sales representative it goes to.

Mr. Singh – Correct and it receipt based as well to confirm they are getting the right order.

Mr. Schilp – So you wouldn't change salesperson.

Mr. Singh – No.

Mr. Schilp – That's all I have thank you.

Ms. Murray – Isn't there a warehouse door in the back corner of the space you're not occupying that's now has parking spots in front of it? Is there an entry door that's in that back corner to get into the space that you're not taking?

Mr. Duffy – I thought they were all blocked up.

Ms. Murray – There's a note here it says door elevation and it says garage floor elevation it does show something on that wall that looks like.

Mr. Duffy – All the way to the right.

Ms. Murray – In the back corner it would be in the last two parking spaces that have the 14 in there with the EV.

Mr. Garlick – Are you looking at the site plan?

Ms. Murray – I thought there was a door there for deliveries.

Mr. Singh – It's a garage door yes it is.

Ms. Murray – If it is you can't put the parking in front there unless the owner is going to take it away and then that space becomes moot to get anything in there.

Mr. Garlick – My thought is the warehouse is not being used if the warehouse were to be activated meaning something is using that garage space door then yes I agree with you.

Ms. Murray – You probably should plan for it now because otherwise the space becomes moot you can't get anything in it.

Mr. Garlick – No one is using that space.

Ms. Murray – Today.

Mr. Garlick – Correct and if there was a new use proposed for that someone would have to come back for site plan approval and then the space would need to be removed if the garage door was going to be used.

Mr. Duffy – And you would have to allocate another spot.

Mr. Garlick – Correct the site plan would change and it might change based off of.

Mr. Duffy – Could be a totally different tenant.

Mr. Garlick – Correct it could change for a multitude of reasons I completely appreciate the question as there is no access to the door but no one is using it.

Ms. Murray – I was concerned because you have the striping around the entire building as well for a walkway so any kind of access into that space is going to affect your walkway so if somebody wants to put something on the side it's going to affect the walkways.

Mr. Garlick – I think that would be part of a subsequent site plan application which again might affect parking and may have to change parking.

Mr. Schilp – It would definitely affect parking.

Mr. Garlick – If that space becomes active again subject to any kind of approval that it would be required I'm assuming if someone is going to use that garage door then yes that space would be eliminated and have to be relocated subject to approval by the Board.

Ms. Murray – I'm guessing two spots because you wouldn't just cut off one.

Mr. Garlick – I see your point.

Mr. Tokosh – If someone purchases a product and goes a block away into let's say the parking lot of the mall what's to prevent someone from getting high in that lot and going on Route 46 and perhaps getting in an accident.

Mr. Garlick – We can't account for things that happen offsite we have no control of offsite behavior just like a convenience store can't control someone from buying a case of beer driving down the street

drinking and driving. I think the applicant has done everything they can and everything they have to do in terms of the municipality as well as the State to secure the product to secure the process for purchasing the product but they can't do much more past the site limits because we don't have control of the space but I do appreciate and understand the question.

Mr. Tokosh – Do you have any information about other municipalities that have this type of business whether or not the accident rate went up or did it stay steady?

Mr. Garlick – I don't have that the only thing I'll say is that Saddle Brook has permitted the use as a conditional use in the zone so the Governing Body has decided that it's a conditional permitted use.

Mr. Tokosh – I thought I saw an article about Colorado where they sell the product and the accident rate went up substantially when they started selling this product.

Mr. Garlick – We're here for what's a conditional permitted use I know we don't meet one condition but we're here for a use that's under your ordinance permitted in this zone.

Mr. Schilp – Do you intend on sprinkling the building?

Mr. Garlick – I'll have the architect testify to it.

Mr. Duffy – One of my questions regarding to the security issue first off there is no consumption on the property anyway so anybody who does that regardless of what they feel they're allowed to do because pots not legal or the use of it is it's not allowed on your property.

Mr. Singh – Correct.

Mr. Duffy – I fully understand what you're talking about the nature of the type of people that you're going to employ and then taking over so a security guard can go out and handle the situation but then you alluded to having cameras out there. Is that on a lighting plan is it in the architectural has anybody addressed this? I know this is going to be a question we're going to ask the architect.

Mr. Garlick – I do this with all my clients because it's a concern for safety for everybody. I typically don't submit or have a client submit a security plan to the Board directly one because it's OPRAable and becomes an issue if the public gets an idea of where all of the security devices and elements are it's potentially a security issue. We have met with police and provided them with a security overlay for their comment. The applicant can testify as to what the conversation was with the Police Department but just as the attorney and just that's how I do every cannabis land use application because of security risk I don't submit it as part of my application submission for those reasons but the Police Department has been provided with the security overlay and the details on it as well as the fact that the applicant has to meet certain security requirements at the State with the CRC license which is our plan does satisfy that.

Mr. Duffy – How many cannabis applications have you handled.

Mr. Garlick – Five or six.

Mr. Duffy – One of the things that I'd like you to appreciate that some of these questions that we ask this is all new territory. Mr. Tokosh asked about accident rates okay the laws have not been in place long enough for that type of study to actually take place we just don't have the data yet so if somebody goes over to the parking lot by Walmart is that going to increase that we don't know that it's too far away but this is all new territory and this is all something that this Board has been tackling for a couple of times already so it's a concern. So we're going to ask these questions I fully appreciate your answer as far as the security cameras and I wasn't asking for a diagram but I would want to see that there are variable locations of where they could possibly be without violating your interest in having it disclosed and OPRAed so I understand that but listen there's a camera right there we're going to put one maybe in this are maybe over here there's only so many places you can put it so that's why we ask these questions.

Mr. Garlick – Maybe the applicant can answer what areas are surveilled with the cameras.

Mr. Duffy – Yeah that's one concern plus you're going to have security cameras someone's going to be watching them or that's another employee who's got the duty.

Mr. Garlick – What areas generally are surveilled with cameras?

Mr. Singh – We have every square foot of my building covered under surveillance.

Mr. Duffy – Inside.

Mr. Singh – Inside and out.

Mr. Duffy – Okay.

Mr. Garlick – In terms of who is monitoring those cameras.

Mr. Singh – So we have administration we have in the front desk where the security guard is going to be he has cameras out there as well and in my office we have cameras set up or screens set up so we can monitor every aspect of the property.

Mr. Duffy – For my own curiosity what is the threshold when a security officer in your employment backs off and calls police because you brought it up since you put it out there I raise the question now because I don't want to see that person in harm's way either.

Mr. Singh – Absolutely and he won't go by himself either. I don't want you to think by any moment I would send one of my guys out there by himself there will be someone with him. Administration will be with him as well to make sure that there's no issues and no concerns. To address your original question what do you do if someone is smoking cannabis or ingesting in the parking lot.

Mr. Duffy – Call the Police Department.

Mr. Singh – Correct we'll do that but at the same time we want to make sure no one is going to be inconvenienced while doing that so if we have clients back there we'll guide them to get them out. There's no reason to be in harm's way or in the situation. We won't put anyone in that situation so we'll address that accordingly and we'll notify the authorities and we'll have the documentation we'll have the license plate we have the license plate reader all these things are all part of our security plan. So we're able to zoom in and crystal clear screen shot or record every aspect of the meeting that we have with this party.

Mr. Duffy – Okay.

Mr. Rizzo – The applicant mentioned previously about all the employees are primarily former law enforcement with permits to carry are there going to be weapons on the site banks don't even have armed guards anymore inside are there going to be weapons.

Mr. Singh – I am licensed and certified and insured to carry a firearm so I will have and my guys are licensed as well to carry. We're retired Police Officers so it comes with the territory.

Mr. Rizzo – But like I said banks right now don't have armed security guards my concern is and just like the Chairman said this is all new is it necessary for all of you to carry? Do you feel that it would be necessary for all of you to carry?

Mr. Singh – To address your question it's a great question I just need you to understand that I'm retire law enforcement and I carry regardless. I carry to the high school basketball games when I'm watching them but it's part of my culture it's something that I signed up for 25 years ago it's not going to change for me.

Mr. Rizzo – I understand that and I appreciate that and your background is magnificent but still the answer is yes?

Mr. Singh – Yes.

Mr. Rizzo – How many weapons will be on site?

Mr. Singh – It depends on who is working and who's on staff that day so I can't it's not a prerequisite for my guys to carry. Some of my guys don't want to be bothered any longer they don't carry any longer some of my guys don't carry guns and they're retired law enforcement that's their choice.

Mr. Rizzo – It's just another added concern because that's what we're all venturing into now and I hear I'm very sensitive to weapons God bless you respect you but I'm very sensitive to weapons because you walk into a bank right now and you never see an armed guard like we used to but in this instance you mentioned it so I have to expand on it. I don't know how the rest of the Board feels about it but I'm very sensitive to that.

Mr. Garlick – Just to clarify it's not a prerequisite that those who have a license to carry have to carry while they're working.

Mr. Singh – Correct.

Mr. Duffy – There is no requirement as far as I know in the ordinance that they have armed security personnel.

Mr. Singh – Correct.

Mr. Duffy – It's an option and as long as they are complying with New Jersey State Law then there should be no question about it. The concern is are we going to have the wild wild west outside.

Mr. Rizzo – The concern is the site itself the idea of the dispensary and the aura that it projects and you're establishing the business and you have permission to carry from the State of New Jersey it's just the whole idea that it may be necessary and I know it's a hypothetical but I'm very sensitive to that.

Mr. Singh – Understood and I respect that a thousand percent. One other thing it's a great point he is bringing up.

Mr. Duffy – Just so everybody knows this is one of our alternates so that's why he has the ability to ask these questions.

Mr. Singh – Understood that's fine but I just need you to also understand that if I'm carrying my firearm legally it's not going to be displayed that's not the case at all.

Mr. Duffy – Actually I'm one that in that kind of environment I wouldn't care if it was hanging on your hip I'd rather see it because I'd rather the element see it also and not have any issue so that doesn't bother me. As long as your security plan is approved by the Saddle Brook PD it's within the parameters of State Law have at it.

Mr. Singh – Thank you.

Ms. Nobile – Just to back on your history you mentioned accounting do you have a store?

Mr. Singh – I have an accounting firm in Hackensack.

Ms. Nobile – Do you have a cannabis store?

Mr. Singh – No I don't this is my first.

Ms. Nobile – Okay your history in cannabis is strictly accounting.

Mr. Singh – No I started my company in 2018 when I was doing CBD. In 2018 I opened up Best Budz New Jersey out of Hackensack 426 Hudson Street and we just focused on CBD because that was the only thing we could do legally to sell at the time. I had a couple of contracts where we were able to sell CBD product. It was more of a brokerage type of thing farmers and corporate don't really mix so we would deal with the farmers and we would sell it to corporate. At that time we were talking about biomass which is the remnants left over from CBD at the time.

Ms. Nobile – And that since closed.

Mr. Singh – No it transferred over to cannabis.

Ms. Nobile – Okay.

Mr. Singh – The company is still open no sales have converted to cannabis.

Ms. Nobile – Is there any online ordering that you anticipate where they order online and if so are they going into the store or are you going to be coming out to their car?

Mr. Singh – What I want to do is if there's an online order you have to come in I want to see who you are I want to make sure I'm not selling it to someone who is not who they say they are.

Ms. Nobile – So you're going to require each customer to come into the facility you will not go out to their assigned parking spot or anything of that sort they will come in.

Mr. Singh – Yes I need to see the clients I want to see check identification everything.

Ms. Nobile – Well you can do that from a car I'm just asking what your intentions are.

Mr. Singh – For the client to come in.

Mr. Garlick – To your point the ordinance doesn't allow any activity outside he testified earlier again that question wasn't raised but the intent is to abide by the ordinance the plan is to abide by the ordinance there won't be activity outside.

Ms. Nobile – Your signage is that a final draft of what you plan on doing with your signage.

Mr. Garlick – The architect will testify to the size but I believe it is compliant with the ordinance in terms of size of signage that's permitted. He can

Mr. Paparozzi – It is compliant.

Mr. Garlick – He can testify if it's the final version meaning font color things like that is the plan for the signage to look like what was included in the Archstreet.

Mr. Singh – It is.

Mr. Duffy – Hours of operation you are proposing ten to ten seven days a week.

Mr. Singh – Yes.

Mr. Duffy – What do the other ones in the areas do, do you know?

Mr. Singh – I do so I don't know the dispensary they didn't post they have ten to ten and on the other location.

Mr. Duffy – The one that is going in by Staples?

Mr. Singh – Yes.

Mr. Duffy – They haven't opened yet.

Mr. Singh – I'm just going by their other locations and they're the same hours of operation so I'm assuming that they're probably going to do the same thing I don't know. I know the Hashery in Hackensack they're doing ten to ten seven days a week. Ohm they're doing eight to ten Monday through Thursday and I believe Sunday they're doing I want to say nine to seven. There's a new one that just opened on 46 in Elmwood Park.

Mr. Duffy – There's two in Elmwood Park.

Mr. Singh – Ohm is one they're the ones that open at eight and close at ten o'clock and the other one I don't know the hours they just opened up maybe two weeks ago. Ascend is ten to ten and then no eight to ten and on Sundays they are eight to seven I believe. Monday they have nine to nine or something like that.

Mr. Duffy – Strange variations.

Mr. Singh – Sundays I get Mondays I was just like okay but it works for them.

Mr. Paparozzi – Mr. Chairman two cannabis were approved recently MOM which was the dental place on the corner of Route 46 and Fifth Street and I believe they were asked to close on Sunday and the old Moe's was in front of the Planning Board I forgot their name and they were asked to be closed on Sunday.

Mr. Cialone – That's NJ Patient's Care that's medicinal.

Mr. Paparozzi – I think they were both asked to be closed on Sunday and they agreed they were two Planning Board applications.

Mr. Duffy – I would bare that in mind.

Mr. Singh – That they're closed on Sunday?

Mr. Duffy – Yes.

Mr. Singh – The Dispensary they close on Sunday?

Mr. Paparozzi – The Dispensary was in front of the Zoning Board I don't remember that.

Mr. Duffy – They were denied here and then readjusted and went to the Planning Board and I don't know what their hours are.

Mr. Paparozzi – I don't remember their hours I just remember the other two because it was brought up.

Mr. Duffy – I'm just saying keep it in mind I'm not going to state one way or the other at the moment. Are there any other questions for the applicant?

There were no further questions.

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

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

Mr. Duffy – Having heard none.

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

Mr. Duffy asks for a five minute recess.

The next witness is Robert Costa their engineer he is sworn in by Mr. Cialone and his qualifications are accepted by the Board.

Mr. Costa – You heard testimony from the applicant who is also going to be involved with the day to day operation of the retail use here. What we're doing is taking roughly 3000 square feet in the corner of the existing building. There's no exterior enlargements to this building so what it is today is what it will be tomorrow. The only change that will happen is there's some restriping in the front. There's an additional parking area that is going to get paved in the rear. There's going to be drainage put in to compensate for the additional roughly 4000 square feet of additional pavement that we're proposing to square off the parking lot in the back. Just to go back in history FT Mobility came before this Board and this Board was gracious enough to approve it and approve the subdivision which ultimately was filed in the Bergen County Clerk's office and I believe your engineer Mr. Kurus asked me to provide a copy of that I don't know if the Board has it but I can put on the record that that map was actually filed it is map number 9776 and it was filed in the Bergen County Clerk's office on August 29, 2023. That created the two lots in

question the one lot was subdivided into two lots one being we said proposed lot 5.01 and the other lot that FT is in is 6.01. I don't know if the Tax Assessor in Saddle Brook actually changed it but that is on the file map and the two lots absolutely exist and it was perfected and filed on that date. With that there was a question earlier when that was set up and they were separated there was a twenty foot easement that was created on this lot that we're in front of you on tonight to give access ingress and egress to FT Mobility so the two lots even though they're separate they're still Siamese twins and they have to be joined together for all the circulation patterns to work. Nicole had to do some improvements on her property if this is approved this applicant needs to do improvements on this property and that would then finish all the requirements I believe under the earlier Neglia letters and then what's in front of you tonight. There were four sheets that were handed to the Board. There's a colorized sheet that's on the easel and I believe August 29, 2024 basically it's the same in your package 2 of 6 and that has all the calculations with the setbacks the parking requirements and then what we're proposing to do in the walkway from the back to the front. If you're standing on Route 46 and looking to the left we're going to restripe that. Currently I think there's roughly 5 parking spaces there so they'll be restriped into 8 parking spots and they'll have an ADA compliant space on that side. As we go in front of the store where we are the separate one story building we're proposing one ADA and we were going to use the loading zone because the loading zone isn't a typical loading zone it would only be used sporadically in the morning prior to it being open but your engineer brought up that it might not be the right use for that and it should be separated so that what we're proposing then even though I didn't show it on this plan would be to take out where the number 2 is and we will make that the aisle so it would be 8 and 8 where that whole area would be striped so there would only be one ADA parking space in front. Then the loading zone would be used separately.

Mr. Kurus – I think what our suggestion would be is just paint it differently like keep it how you have it just hash off a section of the loading space to be the ADA accessible aisle with a different color striping so you keep that parking stall and there's a spot that can't be blocked up for the ADA.

Mr. Costa – I don't know if that's going to work though I don't think we have enough width in that area to do that.

Mr. Kurus – What is the width?

Mr. Costa – It's probably maybe twelve feet thirteen feet so I don't think you're going to get a garage door is normally probably twelve feet so it's a little bit bigger. You would need eight and eight so if you did the eight it's going to take most of that area up. If I can go over the actual parking requirements. Based on the requirements right now there's two residential units on the left hand side of the building so that would be 4 parking spaces. Under the ordinance the retail cannabis is one space for every 1010 square feet so 5.05. The other retail inside there is 2450 divide that by two hundred twelve twenty five for a total of twenty one point three rounded up we require 22 parking spaces. We're proposing electric parking for EV spaces and under the State law because of that you actually get credit so you can take ten percent off that number. This application in front of you tonight requires 20 parking spaces and we provide 36 if you take one out you'd have 35. I know there was talk about the garage door in the back where that is and if that creates a problem if we had to we could still lose them and at some point if the 8100 square feet is rented to a warehouse use your code calls for one per every thousand feet so roughly 9 more spaces so if you take the 20 add the 9 you would need 29 if you took out the three from the 36 we're at 33 that we would provide with the expansion in the back so we would still meet the code and we wouldn't require variance s. With that there will be a walkway from the rear because obviously most of the parking is in the rear obviously if this application was a clean canvas I don't think we would design it in this manner we would actually want to have the parking up front because of ease in and out but again it's an existing building everything exists parking exists in the back all the patterns left and right with the property next door will remain the same. Everything works in concert so that's the way it's set up and that will be done from the back to the front in order to get people into the retail there has to be a walkway that we're proposing to get them in the front. The only thing I want to suggest I spoke to the architect during the break he's proposing a window on the side in the front that could be changed to a sliding automatic door. I think that makes more sense then you don't have to walk around all the way to the front of the building you'd come in in the front into the lobby area but on the side so you can access it in two places. There

was a question in the report from Mr. Kurus as far as putting in bollards to protect the walkway from vehicular traffic and pedestrian traffic. We're willing to do so the thought was maybe just put the plastic I don't know if we need for H2O loading but if you just put the plastic at least that you can just take them out if you had to with snow plowing and then we could put them back in and still have a demarcation between vehicles and pedestrians. So we're willing to do that and I'll show that. Getting back to the drainage we're proposing 12 SE740's so seepage pits in the back obviously subject to soil testing Mr. Kurus will get involved with that to make sure it works if it doesn't we have to increase the size of it or do whatever we need to do in order to make that work to pick up the additional impervious. The State is probably going to be I would think they'll waive it. You have a traffic guy coming up behind me he'll probably say the same thing. As far as Soil Conservation we'll submit to that. The County in my opinion has no jurisdiction here and roughly that would be it. As far as the tree we're proposing a rain garden in the back and if you want additional plantings with the tree we will do so. You heard from the attorney earlier it's actually permitted to get back to I think it was a question from one of the Board members it is a permitted use a conditionally permitted use and the only reason we're in front of the Zoning Board tonight is we don't meet one of the conditions. As far as that you'll hear testimony from the planner that it's much less of a hurdle it's a D3 variance it's not a D1 variance. It goes back to a case in Westwood New Jersey and if you ever see Joe Burgess he's still patting himself on the back because he was that case other than that I think that's it.

Mr. Paparozzi – Just a few things one you need to show the separation on the refuse area for recycling there should be a fence to divide the two dumpsters.

Mr. Costa – I might give you the dumpster we did in Lodi.

Mr. Paparozzi – That's fine. Also the EV charging station you have two in the back I believe in most towns we try to get one for the ADA space.

Mr. Costa – We could do that.

Mr. Paparozzi – I have the conditions are that cannabis shall not be contained within a building that contains a residence or another mixed use so there's actually two conditions that are not met on the conditional use and then I also have three other bulk variances which is no front yard parking, the parking stalls that are 9 by 18 instead of 9 by 20 and the 26 foot aisle that the Township requires and you have 24.

Mr. Costa – Obviously 9 by 18 is a standard today it's actually I believe it was approved on the adjacent property if I'm not mistaken. It works its vehicular traffic for the most part. You heard testimony earlier its vans, station wagons other than that certainly I think the site it was retail prior it was an automotive use prior it was a lot of traffic prior this is certainly a different use. Chairman you said it yourself it's a new use they appear to be going up all over the place. One Councilman in one town I heard if there's liquor stores everywhere now these are going to be everywhere and that's probably not everywhere but obviously a lot of towns are jumping on this for numerous reasons. Your Governing Body said it can go there with certain conditions and we don't think the conditions are going to the benefits here are going to outweigh the detriments. The building is going to get cleaned up a new façade the parking area fixed up drainage the EV charging stations as far as what was said earlier all the businesses there for the most part have parking in the front. It's not all the parking in the front the majority of the parking is in the back so you won't see it and for all of those reasons I think you should say yes.

Mr. Mazzer – I remember the last application there was a problem with the sewer what happened with that?

Mr. Costa – In the deed it actually talks about monitoring the sewer monitoring possibly a septic monitoring chemicals. I don't know what it is I wasn't involved in the previous one. Maybe because of the manufacturing they were going to do it created a higher level. This is retail the amount is limited as far as the flow. No one is living here it's probably ten percent of the space so maybe 300 gallons per day that might be an exaggeration even. Again there's no manufacturing.

Mr. Mazzer – For the growing there was a lot of water usage I remember there was a problem with the sewer.

Mr. Duffy – It's septic.

Mr. Mazzer – Did they ever straighten that out?

Mr. Costa – That I don't know. I would say if it was occupied prior with a retail use I can't imagine this retail use is going to create that much more. If anything it's probably you're there and gone for the most part. We'll look into it find out what it is it's definitely in the deed but again this is strictly retail go in pick up the package and go out the door.

Ms. Nobile – The rear I'm looking at the lighting and it looks a little light on the lighting. I see the lighting around the building but the parking lot is there only two lights in the center?

Mr. Costa – We're going to have wall mounted lights around the building and in the back there's a double. We could add more I don't think we're going to impact anybody in the adjacent property in the rear.

Ms. Nobile – I don't see it very well lit.

Mr. Costa – we can certainly add more lighting. This actually meets the ordinance but we can add more.

Ms. Nobile – The more lit it is the less they're going to be hanging around there.

Mr. Costa – We can work with the engineer how many foot candles you want back there and we can design accordingly.

Mr. Costa – If it becomes a problem with the LED you can adjust them.

Ms. Murray – The EV chargers are going to be open to the public?

Mr. Costa – I think they have to be.

Mr. Garlick – You have to pay.

Ms. Murray – I understand but.

Mr. Duffy – They don't have to be customers.

Ms. Murray – What I'm trying to get at is one is in the back well both are in the back on the plan but I think you were just asked to move one to the front. It's going to be difficult to keep that area monitored if someone is just dropping their car off.

Mr. Pappozzi – The one in the front will be on an ADA space so that would limit just anybody using it.

Ms. Murray – I'm thinking the location and the type business is open until 10 pm based on the testimony so far.

Mr. Garlick – My understanding is the EV spaces are more for customer use meaning a customer comes they plug in they go in. I know the trip into and out of the store is not long enough.

Ms. Murray – So you charge for ten minutes and you get a mile. I would say if people are going to use it it's in the back.

Mr. Garlick – You can't put a second one in front of the building.

Mr. Duffy – I'm fairly certain that we don't have jurisdiction on that. The EV charger is the EV charger you have to make it accessible to the public. We can't tell you that you have to put hours up and monitor and everything. If somebody is going to plug in for ten minutes that's what they get.

Mr. Costa – I wasn't involved in the legislation but I think the idea looking at it is you need to get this infrastructure in quickly and the easiest way to do it without the State doing it themselves is to say okay any new development you get a credit for parking ten percent however you get the equipment and put it in this way it creates a network around New Jersey. I think that was what it was all about I don't think you can stop the public from using it maybe inside an apartment building or parking garage possibly you could but I don't think here in the open I think it would be pretty difficult.

Ms. Murray – I just think it has a bearing on the security.

Mr. Schilp – You had talked about putting a door on the east side of the building is that what you were talking about?

Mr. Costa – Looking at it I'm saying this way you don't have to walk around the front maybe walk into the traveled way it's a little tight on the corner maybe it's a blind corner you go right in the side. I'm just thinking for safety reasons.

Mr. Schilp – I thought it's a dead corner over there and people coming off the highway it would make it a little bit easier. The only problem is it's got to swing out a little bit.

Mr. Costa – No it's a slider.

Mr. Schilp – Does that meet security regulations a slider?

Mr. Costa – It's in the lobby the lobby is open I don't think it runs into the lobby.

Mr. Duffy – They need to verify that you're of age to go in.

Mr. Costa – You can only get into door number one before you get into door number two.

Mr. Rizzo – In the subdivision deeds what's the plan for the maintenance of the easement?

Mr. Costa – I don't remember. I don't know who maintains that easement I don't know whether it's both owners.

Mr. Rizzo – It's clearly on the owners' property I just want to know if it's anything stipulated on the subdivision.

Mr. Costa – I know what it was for I don't know if there was any contractual agreement.

Mr. Cialone – There was nothing in the approvals and typically it's going to be the responsibility of both property owners. They share it half easement is on each of their properties. They're both going to be responsible to maintain what's on their property.

Mr. Costa – Actually the easement is totally on this property.

Mr. Cialone – Then it's going to be their responsibility to maintain it.

Mr. Garlick – My client's a tenant there's other tenants the property owner is responsible for the property that we're talking about not the applicant and not the adjacent property. My understanding is the easement is on this property the property owner who is the landlord is responsible for maintaining it.

Mr. Rizzo – Can we put that in as a stipulation on approval to make sure that occurs?

Mr. Duffy – I don't believe so because there's nothing stopping the owner in the lease agreement making the tenant responsible for that easement so the owner is responsible for it we don't need to put in the resolution saying that it's his responsibility. If we were talking about the two properties sharing the easement then I think you're right and we would have to step in on that.

There is more discussion about the easement but it is determined to be the responsibility of the owner of this property and if it was not maintained the Township would have to enforce property maintenance ordinances on the owner of the property.

There are no further questions for this witness.

Mr. Duffy – Can I have a motion to open.

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. Garlick – Our next witness is James Nicolazzi from Archstreet architecture.

Mr. Cialone swears in Mr. Nicolazzi. He gives his credentials and is accepted by the Board as an expert witness.

Mr. Garlick – Take the Board through your architectural plans. I think we have one additional document I can identify as A1.

Mr. Nicolazzi – I'm here to speak on behalf of the floor plan and the exterior elevations for the Best Budz. The 3000 square foot retail establishment comprised of the entry lobby area which is 220 square feet. Retail and sales behind that beyond that is a secured storage area and then beyond that is the security offices and the main office and the rest rooms. To the right of that on the drawing you'll see we have a secure receiving area the receiving offices and then the conference and break area. The space is designed to conform with all of the New Jersey building codes and will conform to the latest standard in American with Disability Act of 2010. All the doors restrooms corridors, counters, sales case, and other items are all ADA compliant. The exterior if you've been there before it's going to be stripped down.

Mr. Garlick – Mr. Nicolazzi just explained what was on SK-001 floor plan and now we're going to take a look at SK-002. This is the revised submission so this is the elevations with the signage that's proposed.

Mr. Nicolazzi – SK-002 the exterior design is a mix of aluminum storefront black, painted brick that we're going to apply to it not real brick it's going to be the half brick, stucco painted also color to be Sherwin Williams Cream and above the storefront we're going to have an extended black façade that comes out to give us some weather relief and actually will have lighting that shades straight down from that. Above that we will have the signage the signage is 64.5 feet which is within the code. The signage is going to be block channel lettering that is going to be backlit. Then above that for decorative purposes we're going to have a banding of wood and then follow it with a similar fascia board right above that. The actual façade that we're going up doesn't add any square footage or any storage to it it's just a façade. If we can pan down we can see the major aspects of the items the storefront black the façade right there that's literally the way we're going to do it the black façade extends out approximately three feet above that

would be the signage and then above that would be the wood banding and then the brick system that we're going to use is applied and painted and that's pretty much it do you have any questions?

Ms. Nobile – How is it going to be lit up?

Mr. Nicolazzi – We're going to have recessed lights underneath the fascia that will give a nice sheen across the front of it. Also on the fascia above it the little banding there will be more lighting just to give it a little glow and then the lighting for the sign.

Ms. Nobile – The signs going to be lit?

Mr. Nicolazzi – The idea was for it to be block lettering with the lighting behind it.

Ms. Murray – The lights are going to shine up and down and there's illuminate the lettering?

Mr. Nicolazzi – Down and down. Down from the first banding and then decorative.

Ms. Murray – Just from the top banding it's going to go down it's not going to go up from the second. What color is the glass going to be? Is it going to be tinted is it going to see through it?

Mr. Nicolazzi – No it is clear glass and then above that as you can see where the signage is it's going to be opaque back painted glass or a plastic to match the cream color we're painting the rest of the building. There was some slight tinting for UV exposure.

Ms. Murray – Is there a reason to have two water fountains?

Mr. Nicolazzi – Actually it's a high low water fountain.

Ms. Murray – Oh okay a double.

Mr. Nicolazzi – By code yeah it's a high low water fountain. I would like to be able to do away with it but unfortunately.

Ms. Murray – What is the plan for the area that's next to the office that's open because it seems like an area you might want to put lockers for employees to lock their personal things put their coats. It doesn't seem to be there's anywhere on the plan to do that so I'm guessing it might be an opportunity to put things in there.

Mr. Garlick – The applicant would agree with doing something.

Ms. Murray – I'm just saying there's no place for employees to put their personal items if you hire a woman she's going to have to have a purse locked someplace.

Mr. Garlick – That's a good suggestion and the applicant would propose providing something in that space for storage of personal items of the employees.

Mr. Schilp – What is the glass going to be is it going to be Lexan is it going to be regular plate glass is it going to be bulletproof?

Mr. Nicolazzi – Not bulletproof tempered glass.

Mr. Duffy – Mr. Costa had mentioned doors on the side how would they fit?

Mr. Nicolazzi – If you look where I have the two windows I would break it up into a sliding door one of them sliding back. The secure door is the one behind it so that is just a lobby door and this would be motion centered.

Mr. Kurus – Where is that going on?

Mr. Nicolazzi – They suggested it would go and it wasn't designed right now but on the right side of the plan that little window.

Mr. Kurus – Where you have the ten foot dimension?

Mr. Nicolazzi – Yes.

Mr. Mazzer – I thought it was going to be up so it could get flowing a little easier.

Mr. Garlick – They have to go through security first.

Mr. Nicolazzi – The whole idea of the lobby is just a secure and locked area.

Mr. Duffy – It can't impede with the security door right? You couldn't have somebody come into that side door as someone is opening up the security door. That security door is right there on the right hand side.

Mr. Nicolazzi – That was a suggestion that was added during the I didn't plan on that so I would have to think this out a little bit maybe I would have to for argument sake move that secure door to the other side if I was going to do that so you would have to walk in front of the front desk and then walk around it.

Mr. Duffy – So that way somebody couldn't just slide in through that door and then slip in through the secure door.

Mr. Nicolazzi – If I go to that the lobby will probably change just a little bit.

Mr. Duffy – Okay.

Mr. Nicolazzi – The square footage wouldn't change just the layout.

Mr. Duffy – does anybody else have questions for the architect?

There are no questions.

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

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

Mr. Duffy – Having heard none.

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

Mr. Garlick – Our next witness is Andrew Vischio to provide traffic testimony.

Mr. Cialone swears in Mr. Vischio he gives his qualifications and is accepted by the Board.

Mr. Vischio – Stonefield Engineering and Design prepared a traffic analysis memorandum for the proposed dispensary. The subject property is located along Route 46 westbound it's midblock lot. Route 46 is under NJDOT jurisdiction we have not made formal application to NJDOT at this time but we plan on doing so shortly and we do not foresee any issues obtaining their approval whether it be an access permit or a letter of no interest. No changes to site access are proposed. There are currently two right in right out driveways on the subject property cross access is provided to the adjacent properties. Although we are not making any changes to access significant onsite improvements are being proposed as was previously testified to which would in summary organize traffic flow and establish formal parking on the site. Our traffic study analyzed the operations of the primary site driveway. This was done in accordance with industry standard guidelines. We calculated the anticipated number of trips that would be generated by the proposed use using the Institute of Transportation Engineer's trip generation manual for an establishment of this size we anticipate 36 customers would be generated during the busiest peak hour which would be the Saturday midday peak period. Even fewer 23 customers are expected to enter the site during the weekday evening peak period. Those values fall well short of what the NJDOT characterizes as significant. They establish that threshold at 100 total trips. There was a question in the review letter regarding the potential analysis of a weekday morning peak period which we did not include. The reason for that is the weekday peak period along Route 46 occurs generally between 7:00 am and 9:00 am and our proposed establishment would be closed during those hours. When you add the site generated trips to the network we established using traffic counts that we collected this year the primary site driveway is calculated to operate with minimal delay in queuing at levels that would be found to be acceptable by the NJDOT. Shifting our focus onsite as I mentioned previously parking would be formalized with striping. The parking spaces would be 9 by 18 that is industry standard. The drive aisle supporting those parking spaces would be 24 feet wide again industry standard. Thirty six parking spaces are provided whereas only 19 are required so we can accommodate the anticipated demand. In conclusion the proposed development would not have a significant impact on the adjacent roadway network. The onsite circulation would be significantly improved as a result of the application and the parking demand could be accommodated by the proposed supply. I believe I've addressed everything that was in the review letters but I would be happy to answer any questions.

Mr. Pappozzi – Does the ITE manual that the trip generation is that for retail or is that for cannabis did they put one out for cannabis yet?

Mr. Vischio – That's for recreational retail cannabis.

Mr. Pappozzi – They have one for retail cannabis?

Mr. Vischio – Yes.

Mr. Duffy – Since no one else has any questions can I have a motion to open to the public?

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

Mr. Duffy – Having heard none.

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

Mr. Garlick calls up his last witness their planner Thomas Ricci.

Mr. Cialone swears in Mr. Ricci he gives his credentials and is accepted by the Board as a witness.

Mr. Garlick – I think we have one exhibit that Mr. Ricci brought with him today that we'll identify as A2 I believe it's some photos of the location.

Mr. Cialone – Does it have a date.

Mr. Ricci – October 4, 2024 prepared by Stonefield Engineering.

Mr. Garlick – Can you take the Board through the variances requested and waivers associated with the application.

Mr. Ricci – This is an application cannabis retail in the B-2 Secondary Business Zone. I'm sure as the Board is aware in recent years the Town has passed a series of ordinances establishing cannabis in order to permit it conditionally in certain areas and to be able to regulate it and enforce that ordinance. One of the main reasons or intent like many other municipalities in the State Saddle Brook recognizes the importance of fostering economic opportunities that provide jobs and ratables to the community. That comes directly from one of the first cannabis ordinances which is really just to realize the benefits of cannabis to the local economy as well as the Township's tax base. What the zoning code does is it conditionally permits cannabis retailers in this B2 zone and what they actually do is they put targets on certain blocks within that zone on where they would like to see this use and our block was actually one of the blocks in code that was mentioned to permit retail cannabis conditionally. So cannabis is conditionally permitted on our property. Now we understand this use has been previously applied for and approved in past applications so this site essentially it's been found prior applications at least in the Board's eyes to be suitable for this as well as the zoning ordinance. Nonetheless we're in front of the Zoning Board tonight seeking a D3 conditional use variance. Now as Mr. Costa mentioned the burden of proof is different than a straight D1 use variance. What the Board must look at is not necessarily the use itself like in a normal D1 use variance application because that use is not allowed in the zone. This use is actually conditionally permitted so the Board's focus essentially shifts from the use of say cannabis to the condition that we're deviating from so that's having the residential and the mixed use on that adjacent section of building. That's really the narrow focus of a D3 as opposed to the cannabis use itself. That being said that's essentially the trigger as Mr. Paparozzi mentioned the technically two triggers would be that we have two residential units as well as the smoke and vape shop the retail use so it's operating as a mixed use property which the zoning ordinance does not permit. I want to shift our attention over to the photo exhibit and I wanted to show this because when you look at the buildings and I think as Mr. Garlick mentioned Mr. Costa had mentioned the buildings almost appear as two separate buildings on the property which I think is a big factor in mitigating the potential impacts of the D3 of not allowing these uses together. You have residential on the left that's in the white portion of the building and then you have the proposed use which is the on the right side which is the orange part. So visually what we see is they're very separate sections because they're pretty offset from one another it's about thirty six feet. When you notice they're on different floors you have the retail cannabis on the first floor and then on that adjacent part of the building you have residential not only offset but upstairs so another they're horizontally separated but I think there's a little bit of vertical separation as well between the two uses. Operationally as we mentioned the majority of the parking is going to be in the rear of the cannabis so when they come from the parking lot up that path you wouldn't even pass the residential component of this site. So neither have to come in contact there's no conflicts between these two operationally that we can see. That being said there's separate entrances there's no building connections where there'd be like a hallway from one use to another. You would have to leave the residential property and go outside of the building and then enter this building as if it was another building so once again while the zoning ordinance doesn't permit these two uses together functionally these could very well be on different lots these almost operate as different buildings. I don't see any conflicts between the two uses and then I think I looked at hours of operation and other permitted uses. I noticed bars, taverns, restaurants are permitted uses in here. There could theoretically be a more impactful use to the existing residences than what's being proposed here just being proposed to shut down by 10:00 pm and all operations happening inside the building. Consumption wise this is not proposed with this application which I think even further mitigates the impact to the residences. The ordinance does actually allow that consumption with certain design related provisions that's not being proposed here. So there's not going to be any odors any outside activity as the applicant mentioned. The goal is to discourage that to the greatest extent possible which I think helps further mitigate the D3. Then lastly the residential component of this the ironic thing is the D3 variance that we're coming in for is not the actual proposed use of cannabis. Those are existing nonconforming uses that are not actually allowed in the B2 zone. So in theory this proposed use is what

is envisioned by the Governing Body because it was permitted conditionally. For those reasons that's why I think the site can continue to accommodate the proposed use despite not meeting that condition. I think the separation is really big I think when looking at some of the other permitted uses you could have bars, restaurants create more noise create more outdoor activity open later things like that that we're just not doing here. With regards to the C variance we're seeking two C variances related to dimensional requirements both for parking stall size and drive aisle width both of our engineers our traffic and our site engineer have discussed those are industry standards. They don't see that being an issue on this property and then the location of parking that's our third C variance so that's not permitted in the front yard. That is something that already is existing and is actually being improved. We are actually pulling some spaces away from the right of way it does provide for that the parking for the adjacent uses as well as that ADA space out front. You want to have the ADA space close to the door but when I was driving down 46 this is generally consistent with all other businesses in the area and the fact that we're reusing this building it would probably be more harmful to get rid of that parking than comply with that. Those C variances I think we can grant under the benefits versus detriment criteria which basically means in my opinion that the benefits of the entire project as a whole substantially outweigh the detriments. I like to take everything and separate it out benefits versus detriments we have what I put in the benefits bucket is coming forward with a use that was envisioned by the Governing Body and then codified into the zoning ordinance to be in this zone and on this block. We're upgrading and updating a business in the Route 46 corridor that's something that the Master Plan really focuses on is upgrading existing businesses and promoting new businesses in the area. We're utilizing an existing building without the need for major renovations and actually fits pretty nicely with this use because it's the perfect size and it has those roll up garage doors for the loading so it's actually really perfect for this type of use. As planners we also like to rent vacant spaces we like to increase commercial activity on the property which essentially improves the overall health of the commercial district. When you have less vacancies you have more commercial activity people flowing in and out of it potentially using other businesses. We're good on parking we're actually over parked and we're actually cleaning up and organizing the parking where currently no striping exists and not a whole lot of traffic flow or organization currently exists so that's a big benefit. Now we weigh this against the detriments of those parking dimensional variances which I think there's a clear satisfaction of the benefits outweighing the detriments on this application. Once again I think functionally and physically we are separated from that residential and the vape shop use I don't envision any more conflicts than they would be to each other than to our proposed use. We're right in line with what the ordinance has approved for this zone and I believe has been trying to approve for this zone for some time. The overarching goals of the Master Plan is to continue to improve business corridors specifically Route 46. As the architect testified to you got those nice new façade improvements wood, brick, veneer the buildings going to be painted new signage all of those things go into the aesthetics and help improve the overall look of the Route 46 corridor. I think it's a nice look for this site and for those reasons I think the application warrants variance approval but happy to answer any questions the Board may have.

Mr. Paparozzi – While I don't have an issue with the C variances the 9 by 18 and the 26 foot aisle the standard that Mr. Costa and Mr. Ricci are referring to is RSIS residential this is not residential so those standards are while they're standard for residential they're still bulk variances that are required in this application. Not that I'm saying that I have an issue with it but certainly those are bulk variances that are required. Other than that have no objection to Mr. Ricci's report.

Mr. Cialone – I just wanted to point out Mr. Paparozzi I looked at the resolution for the subdivision and we did grant both of those lots a variance for parking space size 9 by 18.

Mr. Paparozzi – That is true they are realigning them now and they're moving them around so I think it would be in best interest just to include them.

Mr. Cialone – Sure I just wanted to point that out to the Board.

Mr. Paparozzi – I know that but it's a different parking analysis and they're changing the front parking as well. Again I don't have an issue with it but certainly not standards for commercial.

Ms. Murray – You were going to call it the benefits and the detriments but I didn't hear any detriments so I'm just curious if you had any just for my notes here.

Mr. Ricci – The potential detriments of the variance is they relate to the C variance so those are the parking space size as well as the drive aisle width and I think as our engineers had mentioned that's an industry standard it's safe for efficient traffic maneuverability so basically just echoing their testimony as engineering the site they don't see that being an issue given the use. Nine out of ten times 9 by 18 is what's required maybe even more. We see the jump occasionally 10 by 20 and that's more for large department stores maybe shopping malls when you have large packages, groceries, bigger items we just don't have that for this use it's all small products so you don't need that extra space for loading up and bigger door swings and things of that nature. I think that's why we find it suitable and not any substantial detriments.

Ms. Murray – I didn't consider those detriments because certain things we already approved I just wanted to double check like having a business there is not a detriment for the area so that's all I was clarifying there really wasn't any detriments.

Mr. Ricci – I don't see any with this application.

Mr. Duffy – Anybody else?

There are no further questions from the Board.

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

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

Mr. Duffy – Having heard none.

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

Mr. Duffy – We're taking a short break and the reason why is I have a question my attorney needs to answer before I can go any further so give us five minutes.

Mr. Schilp – Are you going to put signs up around the building saying no pot use no smoking on the property no consumption?

Mr. Garlick – It wasn't planned but if that's a condition that the Board would require it's something that the applicant would agree to.

Mr. Schilp – I would like to see it because we know it's not legal but the public is going to do what they want to do. This way they know it's not permitted in the area.

The Board takes a five minute break.

Mr. Duffy – The question I had was there are three other establishments that are selling cannabis two of which have restricted hours or they're closed on Sunday. The other is restricted hours of ten to seven on Sunday so I wanted to make sure before I put this on the table how it was set up. I personally would not to propose a restriction to eliminate Sunday because one establishment has ten to seven and I don't want to be part of an approval that says ten to ten is going to work for you. My stance is and I would encourage the Board to the best that I can that your establishment is open on Sunday from ten to seven because that's just to level the playing field make sure that's the worst case scenario. The other hours in that case are ten to ten so myself personally I don't have a problem with ten to ten.

Mr. Garlick – I think we'd be inclined but I don't know if we need to hear from the rest of the Board if there's a consensus as to that. I've been in situations where one person raises a proposal and then someone else has a different opinion. Before we give our agreement to any modification.

Mr. Duffy – Any member wishes to agree or disagree with me they are fine to do so right now.

Ms. Murray – I want to keep the level playing field. I think that's fair.

Mr. Schilp – Some other are seven to ten.

Mr. Garlick – I'm not proposing any disagreement with the Chair I just wanted to make sure we had a consensus or understanding of what the Board's opinion was before we responded. We would amend our application to say the hours of operation on Sunday would be from 10 am to 7 pm.

Mr. Duffy – Mr. Schilp alluded to the signage to say no consumption and I understand how the law works with consumption and there are certain parameters to be put in place for that to happen. The other times when we had these businesses here we did not permit it and my stance also would be to make it a condition that under no circumstances regardless of what the State of New Jersey said there will be no consumption on this property. That's my position and I would make that a condition. Does any member of the Board agree or disagree? In other words if later on they say well you know because I know the

outside consumption has to be a fenced in area out of site it's just an elevation of this particular business that I don't want to see that's my position.

Mr. Garlick – Are you saying no consumption ever on site or outside?

Mr. Duffy – I don't want consumption at all that's my position.

Mr. Garlick has a discussion with his client.

Mr. Garlick – The applicant is agreeable to it. I want to bring this up if an employee uses cannabis for medical purposes you can't prohibit them from consuming.

Mr. Duffy – They're within the limits of the law.

Mr. Garlick – Correct I just want to clarify that as a point.

Mr. Duffy – I am aware of it.

Mr. Garlick – I have no summation other than the fact that I think we've provided the Board with the requisite testimony tonight from our professionals to support the relief that we've applied for in terms of the D variance or variances as well as the C variances that have been set forth before the Board.

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

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

Mr. Duffy – Having heard none.

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

Mr. Schilp makes a motion to approve the application with the following stipulations.

Sunday hours, no consumption, signage indicating no consumption, replace the tree that they are removing, plastic bollards between the walkway and the parking lot drive aisle, separate refuse areas for garbage and recyclables, move one of the EV spaces to an ADA space, to add additional lighting in the rear parking lot near the rain garden to the reasonable satisfaction of the Board Engineer, that right corner space in the back of the office area to be used for employee storage of personal items, sliding glass door maybe they will maybe they won't do it, to comply with the conditions in the engineer's report.

Ms. Murray seconds the motion.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Ms. Nobile, Mr. Francin, Mr. Duffy – YES.

6. RESOLUTIONS

A.) Approval Luisa Felipe, 355 Outwater Lane, Block 112, Lot 16

B.) Approval Carrols Restaurant Group, 439 Market Street, Block 704, Lots 24, 25 & 26

C.) Approval RPM Hospitality Group, LLC, 129 Pehle Avenue, Block 1311, Lot 36

D.) Approval / Denial Sagri, 158 Schepis Avenue, Block 1712, Lot 25

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolutions A, B & D.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Tokosh, Ms. Nobile, Mr. Duffy – YES.

Mr. Schilp makes a motion seconded by Ms. Murray to approve resolution C.

Roll call - Ms. Murray, Mr. Schilp, Mr. Tokosh, Ms. Nobile, Mr. Duffy – YES.

7. MINUTES

Meeting of September 9, 2024 Regular Meeting

Ms. Murray makes a motion to read and file. All in favor – YES.

8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 9/20/24 (591 Oak Avenue)

Anthony Kurus to the Zoning Board of Adjustment, 9/25/24 (253 Route 46)

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

9. VOUCHERS

Neglia Engineering Assoc., 9/18/24, Carlo Sagri, 158 Schepis Avenue, Block 1712, Lot 25 \$142.50
Neglia Engineering Assoc., 9/18/24, RPM Hospitality, 129 Pehle Ave., Block 1311, Lot 36 \$448.75
Neglia Engineering Assoc., 9/18/24, Deugen (U-Haul), 210 Route 46, Block 105, Lots 2&3 \$1,240.00
Neglia Engineering Assoc., 9/18/24, Carmen Sta Maria, 145 Market St., Blk 609, Lot 9 \$1,260.00
Basile Birchwale & Pellino, 9/17/24, Luisa Felipe, 355 Outwater Lane, Block 112, Lot 16 \$250.00
Basile Birchwale & Pellino, 9/25/24, Carrols Rest., 439 Market St., Block 705, Lots 24-26 \$677.50
Basile Birchwale & Pellino, 9/27/24, Carlo Sagri, 158 Schepis Avenue, Block 1712, Lot 25 \$250.00
Basile Birchwale & Pellino, 9/27/24, RPM Hospitality, 129 Pehle Ave., Block 1311, Lot 36 \$1,010.00
Paparozzi Associates Inc., 9/26/24, Carrols Rest., 439 Market Street, Block 705, Lot 24-26 \$298.20
Paparozzi Associates Inc., 9/26/24, RPM Hospitality, 129 Pehle Ave., Block 1311, Lot 36 \$288.75
Return of Unused Escrow, 9/25/24, EPIC - IC, 224 Midland Avenue, Block 101, Lot 5 \$3,702.72

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

10. OPEN AND CLOSE 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.

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

11. ADJOURN

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

Meeting adjourned at 10:36 pm

Respectfully submitted,

Frank Barrale