



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

**PLANNING & ZONING
Tina M. Lawler, Secretary**

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**OCTOBER 11, 2023
PLANNING BOARD
MEETING MINUTES**

The meeting was called to order by Bob Preston at 6:30 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Aleli, Horton, Howell, Reilly, Thompson, Strugala, Clinkscale, Tiberio, Preston

ABSENT: Gersh, Kirk

ALSO PRESENT: Joe McGroarty, Board Attorney; Andy Previti, Board Engineer and Chris Dochney, Board Planner

OLD BUSINESS:

VOTE: Minutes of September 27, 2023 meeting

Motion to approve – Nick Tiberio – second – Deb Reilly

All were in favor.

VOTE: D&R # 5-2023 for Big Land LLC for Preliminary and Final Site Plan Approval with variances and waivers for construction of an ice creamery store – 610 Mill Road – Block 206 – Lot 12

Motion to approve: Lou Strugala – second – Kim Horton

Roll Call: Aleli, yes; Horton, yes; Howell, yes; Strugala, yes; Tiberio, yes; Preston, yes

NEW BUSINESS:

Appl. #4-2023 for SNS Land Holdings LLC – 401 White Horse Pike – Block 207 – Lot 11 (the old hardware store) for preliminary and final site plan approval; conditional use approval and c variance relief for total sign area and maximum sign height.

Warren Stillwell, Esq., attorney for the applicant and Jay Sciuillo, Engineer for the applicant and James Barr, owner appeared and were sworn in.

Mr. Stillwell explained that the applicant wants to open class 2 and class 5 uses of cannabis, which are retail and manufacturing and are conditional uses. They would like to have a smoke shop in the building as well.

James Barr – this site will be called Red Oak Facilities. They have a conditional license now and hopes to have full approval and get their license from the State soon. They have a meeting with the CRC on October 19th. In suite 1, it would be the retail space. They would be open 7 days a week from about 10 am to 10 pm. There will be self-service, and you can pre-order. They will have 4-5 employees a shift and a couple of sales associates. Curbside pickup orders will also be offered. All credentials will have to be shown and need to match what was given when the order was placed.

In suite 2, they plan on having manufacturing facility making capsules, topicals, tablets, lozenges, gummies, chocolates, vape pipes, etc. The process will be automated, but will have 4-5 employees. In suite 3, it would be a small smoke shop that will sell accessories, such as: tobacco, rolling papers, pipes and whatever else is permissible by law.

Darren – asked if they would have any on site security?

James – yes, at the retail shops.

John – will any medical marijuana be sold?

James – no, just recreational and you need to be 21 years of age or older. It is all wrapped or pre-packaged as well.

He then explained the manufacturing unit, which would probably be open from 7 a.m. to 8 p.m. and maybe some weekend.

Darren – we know it is not allowed to be consumed on your property, but what if they go into the bathroom?

James – only if they smoke it, can we monitor it. The user can be fined and we could lose our license.

Lou – what about the air filtration system

James – there will be carbon filters and HEPA filters in the manufacturing unit. He explained the movements of the people inside the building and how the exchange of air will happen. There will be roof mounted HVAC systems and air exhaust is minimal. For the retail, deliveries could take place once a day for product or cash leaving, where a security truck is used. For the manufacturing, a few deliveries could be a few times a week for raw ingredients, packaging material and office supplies. Trash pickup will depend on how much there is and it will be locked and gated. There are state guidelines that they need to abide by. The lot is going to be lit.

Jay – explained how the deliveries will work with licensed guards being used as well.

Andy – questioned the entrance and the large area. How will they control access to the rear doors so the public cannot use them?

Jay – Exhibit A1, a colored version of the site plan was explained. It is 13,300 sq. ft with 3,860 sq. ft. of retail space and manufacturing in the rear. Some aesthetic upgrades will be one and trees will be replaced on Rt. 9. Other exhibits: Exhibit A2, a colored photo rendering of the building; Exhibit A3, a colored rendering of the view from Rt. 9; Exhibit A4, view from the WHP entrance and Exhibit A5, view from Veteran's Way towards the building. The mirrors were mentioned on the building.

Hursh Patel – Galloway, NJ – part of Green Sky – regarding the police chief's letter regarding the mirrors on the outside of the building, it has been addressed and they are being tinted tomorrow afternoon to prevent any reflection.

Jay – parking lots will be restriped and he handed out photos of it. Parking lot lighting will be installed as well. They do not feel the whole lot needs to be paved, especially with budgetary concerns. There will be traffic control signs; one EV parking space and the current sewer line will be used. They are asking for a design waiver for landscaping in the parking lot, trash can area and putting in hedges and shrubs. He went through the site and explained what they wanted to put in.

Mayor – disappointed that the whole parking lot will not be paved.

Jay – it will all be sealed and striped.

Darren – inquired about Veteran's Way and the use of it.

This started a discussion about the use of this roadway in their application, but the planning board cannot approve anything on that street since it's not a city street, but owned NJ transit. People have been using it for years by the businesses on the White Horse Pike up to Rita's. They will be working with the DOT for Route 9. Bob feels this corner is a key component to the aesthetics of the city. Bob was concerned about people pulling into the parking lot on Rt. 9, which is going to be for employees. Mr. Patel said that signage should help and in this digital age of GPS, the directions bring you to the WHP driveway. There is walkway around the building for them to get to the entrance, but they feel that once it happens to someone, they will not pull in there again.

Joe – this board does not have the authority to approve a traffic plan that is not a city street.

Jay – the trash enclosure will have to be moved to the Rt. 9 side and buffer it with some landscaping

Bob opened the meeting to the public. No public comment

Jay went through the variance testimony: signage was originally at 220 sq. ft, but they reduced it to 162, but only 110 sq. ft is allowed; height of the wall sign – 12 ft. max and they have it at 18 ft.; lot coverage at 92%, where 65% is allowed, but that is an existing condition; building length is 165 ft. when 100 is allowed, which is also an existing condition; they requested some requests with the landscaping buffering along fence and in the parking lot. He feels there is no detriment to the public good.

Chris – his comments in his report have been addressed and he understands the hardship issue. He has no problem with the sign variances, but he corrected two of the signs' calculations that had to include the backing of the sign in their total square footage. He has no problem with it, but the numbers need to be put on record. He would like to see some back lighting, maybe halo lighting and he also wanted the color rendering confirmed, since there were a couple submitted. He does not have a problem with the colors, but wanted to know. Jay said the building would be gray and the signs would have a wood backing with the red oak tree.

John – he assumes granting any of the variances would affect the Master plan.

Chris – no they would not.

Andy – he referred to his latest report of 10-4-23. Asked Jay if he was going to comply with comment 7A and the trash detail enclosure and the limits of the new proposed fence on the site plan. He asked that he point that out on the plan. His concern is that the police chief addressed a no left turn onto a major road in a previous application and he might want to see it here now if people do come out of Veteran's Way. The rear could be blocked off, unless they get approval to use it, but the turning left could be a problem.

Jay – we will move the trash dumpster on the Rt. 9 and not use Veteran's Way, but we do not want to close it off since it is access to the back of the site and it is a convenience.

Andy – does not feel the police chief, by looking at this plan, realized that Veteran's Way was being used and there could possibly be some road restrictions if he knows. This site was being researched as a potential WaWa and their engineer had made some contact with the DOT relative to using Veteran's Way, since they wanted to use it as well, so this applicant could try to reach out to them as well.

Bob asked for a 5-minute break (8:45 p.m.)

Jay –the issue is that the board is uncomfortable with granting an approval where there is a reliance of the use of Veteran's Way, so we decided to move the trash enclosure over to the employee parking lot, and not rely on Veteran's Way for the circulation of the site. Respectfully, as we heard from some of the board members, we do not want to cut it off altogether. There could be a DOT agreement. We can ask the police chief his opinion as well, since it is a public safety issue.

Joe – the other issue that came up is going for preliminary approval tonight. Is there an opposition to that?

Rajiv Patel – owner of SNS – as everyone understands, budgeting is a major concern and we have funding that is closely being watched on this project. If we go outside of our timeline, the costs just go up. We are eager to get the board approval and line it up with our state approval we should get on the 19th and be able to get permits to keep moving forward. There is a lot more work to do and the clock is against. There is also a revenue aspect for the city on this project, so the sooner we get operational, the better it will be.

Andy – comment 15E regarding the EV station. This needs to be a "make ready" EV station unless you put in an actual unit. The underground electric needs to be shown on the plan and labeled "make ready" as well. Lighting was mentioned and you said you could comply with 17A and B, the illumination of the sidewalk and pedestrian walkways along Rt. 9 and Rt. 30. He has been out there at night and it is dark under present conditions. It needs to be addressed.

Jay – the pedestrian walkway can be lit by some of the site mounted lights, but the only way to do the public sidewalk is to use the light on the building. We will address it on the plans.

Andy – the issues he had were: the paving of the parking lot, which he feels should be repaved, rather than cutting and patching. Who will determine this? He suggested that Jay, Mr. Patel, the city engineer and himself meet at the site to see exactly what needs to be done short of milling and paving. He feels it would still be cheaper doing it his way. The mirrors were mentioned and you said that was going to be addressed. How?

Jay – they are going to be tinted tomorrow afternoon and if the police chief is not happy, then they will get modified.

Andy – Information submitted for the odor mitigation plan should be put on the plan; we need a mechanical plan prepared to address all the concerns relative to the odor mitigation. There were three documents submitted with the application and part of it. 1. Green Sky Odor Mitigation Plan, A6; 2. an ENV Growers application, A7 and 3. a Green Sky Dispensary Safety and Security plan, A8. All need to be signed by whoever prepared them with their credentials and should be attached to any approvals that the board should

grant. The floor plan shows various doors, but does not call out what security measures will be used to keep the public out of them that the employees will use. There will be no dedicated parking numbers. There should be some signage for employee parking to identify it as well as public parking.

Warren Stillwell – summed up the application and testimony

Bob – asked for the board's opinions for granting both preliminary and final tonight

Deb – will you be going to the state, or whoever oversees Veteran's Way?

Warren – no, we do not want to open up a can of worms, in case they say that nobody can use it

John – he is comfortable with approving preliminary and final approval and the developer has legitimate concerns regarding timing. Unless our attorney tells us something different.

Joe - I am fine with it. All the items will be made conditions of approval

Nick – they have all promised to do the things, so granting both is fine.

Jessica – is fine with it

Lou – he is wavering, because this is the second application where Mr. Barr is involved and the plans were incomplete. He loves that the building is being renovated, but he needs to be convinced that it is going to make it to the finish line and he feels it is not there yet. Some things need to be made sure that they get done properly. If the board votes to go final, then he will.

Bob – those concerns will be listed in the conditions that they need to meet. He added that they need to submit a landscaping plan that is more in conformance with the ordinance. He feels there is opportunity to come closer to what the ordinance requires realizing there are some financial constraints, but he thinks balancing it with the location of the site, he is sure there is a better way.

Joe – it was not addressed; only in the reports.

Betty – there actually was never landscaping there.

Jay – we agree to put 5 trees in the 7 ft. area on the Ditmire side and 2 that were removed on the other side of the building in a soft area.

Joe – the motion would be to approve preliminary and final site plan for Block 207 – Lot 11, with the variances identified; the waivers identified; the granting of conditional use and including all the professionals' comments.

Motion was made by Betty Howell – second – Deb Reilly

ROLL CALL: Aleli, yes; Horton, yes; Howell, yes; Reilly, yes; Thompson, yes; Strugala, yes; Clinkscale, yes; Tiberio, yes; Preston, yes

APPROVAL OF BILLS

Joe McGroarty - \$117.00 for WP Absecon LLC; \$156.00 for ENV Growers, LLC; \$299.00 for SNS Landing Holdings, LLC; \$1,118.00 for Big Land LLC

Chris Dochney - \$696.00 for BigLand LLC

Andy Previti - \$185.00 for WP Absecon LLC; \$1,976.41 for WP Absecon LLC \$92.88 for SNS Land Holdings LLC; \$2,247.24 for Big Land LLC

Motion to approve – Jessica Thompson – second – Kim Horton

All were in favor.

Bob – asked what happened to the NJ Transit Village initiative?

Jessica – they gave it all back to me and it's not being pursued anymore

ADJOURNMENT

Motion to adjourn – Nick Tiberio – second – John Aleli

All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 11/8/23