

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING
MINUTES
7:00 pm**

December 17, 2025

Chairman Samson called the Planning Board Meeting to order.

A Prayer was offered followed by the Oath of Allegiance.

Chairman Samson stated “Adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Ledger and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Sworn In: Attorney Bryce swore in Lou Hardy to the unexpired term of Gary VanVliet 2025 as a Regular Member.

Present: Members Caughy, Hardy, Lawler, Vice-Chairwoman DiLeo, Chairman Samson.
Also present were Attorney Bryce and Planner Bloch.

Old Business:

Minutes – Approve the minutes of October 22, 2025 on motion by Member Lawler, seconded by Vice-Chairwoman DiLeo. Roll call vote:

AYES: Members Caughy, Lawler, Vice-Chairwoman DiLeo, Chairman Samson.

NAYS: None

ABSTAIN: Member Hardy

1179 Rt. 22 Greenhouse Dispensary – Block 100, Lot 10 – Hearing.

Attorney Peck – Good evening, Mr. Chairman and members of the board, for the record, my name is Mark Peck. I’m an attorney with the Florio, Perrucci Law Firm here on behalf of the applicant Green Property Management Group, LLC. We were deemed complete back in September and we properly noticed this hearing with the affidavit provided to Ms. Dilts. We’re here seeking preliminary and final minor site plan approval with both C1 and C2 bulk variance relief to allow the construction and operation of a Class V Retail Cannabis Dispensary on the vacant 1.83-acre property indicated 1179 Rt. 22 which is Lot 10 in Block 100 which is located in your Highway Business Zone District and Cannabis Dispensary’s are a permitted use in that zone and the applicant did secure a resolution of support for this project that we’re here about tonight from the Township Council back on March 5th by way of Resolution 2025-58. That resolution of

support is conditioned on a couple of things. First, is proof of a license from the New Jersey Cannabis Regulatory Commission. We have a conditional approval, but we can't get the final approval from the CRC until we get the local approval. The proof of possession of the premises which we have; they own that property and then finally, compliance with local zoning which is why we are here tonight hoping to get the approval that will put us in compliance and that would then entitle us to apply to the township for the township's license which then allows us to go back to the CRC to get the final license. So, this is a step in the process but again, the township has endorsed this project, the Township Council. So, the bulk variances that we are here about, with the requested site plan approval are first from Section 243-74e to permit the existing 1.83 acre lot to house this business where two acres is the minimum required in the zone, from Section 243-74d, to allow the east side buffer to be less than the required 25-feet, from Section 243-53e to permit a free standing sign 8 feet in height where only 5-feet is the maximum permitted and finally from Section 243-49d related to the 4 parking spaces in the front of the property which had a 56-foot front set back where 75-feet is technically required. We'll have some testimony on this but my understanding with that last variance is, we can eliminate those 4 front spots and do away with the need for the variance and still be in compliance with the township's ordinance it would take EV credits and that stuff, so it is really up to the board when it comes time to consider that if you want us to have it or not and we reviewed Mr. Wisniewski's October 17 technical review and if there are any issues, we will testify to if anything therein and the township's cannabis ordinance also adopted in March of this year, 2025-03, you know, of course, all of its provisions we understand are applicable and no problem with, of course following, which we'll have to anyways as part of the township's license and it is important to note finally that the license that the township's issues is an annual license so that really is a strong enforcement and compliance mechanism because if the applicant does secure all its approvals and is in operation, they go to rendered their license and they haven't lived up to, you know, promises made here and before the Council or the CRC, you know, that could endanger their license and their ability to operate so, so there are a lot of checks and balances here but anyway, tonight we're really only planning on providing direct testimony from one witness, Derek Ranger, from French and Parillo so, he'll discuss the site plan and the variances but we also have Sharon Merah and Michael Matthews here to the extent operationally questions come up, they are here to answer those. So, without any further ado, let's present Mr. Ranger.

Attorney Bryce – And, before we actually swear the witness, just to be clear about jurisdictional issues, there is a licensing component that this board is not involved with. This board is just to say this is a permitted use in the zone, does the site plan comply and are variances as requested being appropriately granted, I suppose. So, I just want to separate that out a little bit so that the regulations whatever, this is land use licensing and regulations are separate. So, sir if you'd raise your right hand – do you swear and affirm that the testimony you are about to give this board is the truth, the whole truth and nothing but the truth.

Engineer Ranger – I do.

Attorney Bryce – Please state your name and spell your last for the record.

Engineer Ranger – Andrew Derek Ranger – R-a-n-g-e-r.

Attorney Bryce – Thank you, sir.

Attorney Peck – Derek, would you give the board the benefit of your educational and professional background?

Engineer Ranger – Yes, good evening board, Mr. Chairman and Professionals, I graduated from the University of Connecticut about 14 years ago with a degree in Civil Engineering and I've been a professional engineer in the State of New Jersey since 2018 and I my license is in good standing.

Attorney Peck – Move Mr. Ranger as an expert in the field of Civil Engineering.

Engineer Ranger – So, this is a copy of the submitted site plans.

Attorney Peck- And, you're familiar with the site and you prepared the plans?

Engineer Ranger – I am. I prepared the plans.

Attorney Peck – And, these are the plans that were submitted with the application?

Engineer Ranger – Yes, this is just the overall aerial of the plan set.

Attorney Peck – So, you're going to explain the existing conditions and the surrounding neighborhood?

Engineer Ranger – Yes. So, the site is located at 1179 Rt. 22. It's also known as Block 100, Lot 10. The property is located in the Highway/Business District on the north side of Rt. 22 also known as the westbound side. The property consists of 1.837 acres and is currently developed by a billboard sign in the front yard. Generally, the site currently slopes from the front to back or from the north and west corner of the lot and to the west of the site, is the Warren County Collusion Center and the east is the BP Gas Station. To the north is a farm field and to the south is the Phillipsburg Mall Site. The site has no environmentally constrained areas, no wetlands or streams and we are proposing to maintain the existing billboard sign and these containers on the back corner of the lot are associated with the BP Gas Station so those will be relocated onto their lot. Now, I'll share a colorized exhibit of the site plan.

Attorney Peck – And, we'll mark this as A-1 with today's date.

Engineer Ranger – Ok. This is just a colorized version of the site plan that you've been provided with the landscaping added to show all of the site features. So, we are proposing a one-story, 9,000 square foot building that will be broken up into two separate units. The front unit will be the one-story 4,000 square foot dispensary and the rear portion will be a 5,000 square foot office

with two units; a 1500 square foot unit and a 3,500 square foot unit. The proposed site improvements are 47 parking stalls including, 3- ADA stalls and 2-EV stalls. There's 2-ADA stalls up front and 1 in the rear. A one-way route driveway that has a short two-directional way to allow for internal circulation. A right in and a right out only entrance and exit and the entrance and exit and the entrance and exit fully complies with the NJDOT Highway Access Manual and we will be submitting to them for their review and we're also proposing a 55 by 12 foot loading zone that is directly adjacent to the cannabis receiving entrance and a 10 by 15 foot trash enclosure in the rear of the lot that is located outside of public view. There will be an approximately 350-foot retaining wall around the western and the southern portion of the parking lot in order to maintain grade slopes below 5% throughout the lot and the rear retaining wall here is purely (inaudible) grade before the proposed septic system.

Attorney Peck – Derek, the ingress and egress to Rt. 22, is that driven by DOT?

Engineer Ranger – Yes, that design is driven by DOT which

Attorney Peck – So, does that account for the buffering encroachment on the east side of the property?

Engineer Ranger – Yes. So, partly the main reasons for the design is to get the maximum number of parking stalls, leave one of the angling parking into the building for safety and we need to be a minimum of 12-feet from the property line in order to comply with the DOT standards so, it's probably about 12.5-feet from that, that corner, so we really can't push it further without losing parking or reducing this buffer. The parking lot and drive out were designed to accommodate emergency vehicles so, we analyzed this site using a W115 tractor trailer and turning the movements throughout the site to ensure that an emergency vehicle can navigate through the loop. There are no dead ends, blind corners or constrained turning areas within the site. This rear parking area, this rear drive isle is bumped out to increase the impervious in that area just so that there would be no turning issues. The stormwater management system which you can kind of see here would be it's located over the parking stalls and actually now would be located over all the parking stalls. We will be revising that to comply with your board engineer's comments to not infiltrate any water so the system has to get a little larger but it won't change any of the site layout. It's just going to be more pervious paved. For the zoning table shown on Sheet 4, also on this exhibit, the minimal lot area is 2 acres required; we have 1.837 acres which is a variance. Front yard setback is 75-feet required and we're proposing 85-feet proposed. The rear yard setback is 80 feet required and we have 135-feet proposed. The side yard set backs are 50-feet required and we have 51.1 proposed. The max building height for a one story building proposed was 25-feet permitted and the total lot coverage is 50% permitted and we have 49.5%. Part of the design was maintaining that below the 50% so there were no additional variances. For the variances requested, the lot area variance 243-74e proposed development requires that variances to lot area deficiencies a pre-existing condition and not created by the post development. The property has been configured as a commercial parcel along Rt. 22 corridor as

consistent with the surrounding development. The proposed site layout fully complies with all the required setbacks, building height and lot coverage limitations demonstrating that the reduced lot area does not result in over intensification use. The project provides adequate parking, circulation, stormwater management and buffering despite the minor lot area deviation. We will also be requesting a buffer width variance from 243-74d; relief is requested for buffer strip where 25-feet is required and 13-feet is proposed on the eastern side. We are able to meet that 25-foot requirement on the western side of the Warren County Collision Center and the rear of the property.

Attorney Peck – Now, both of those sites to the east and the west are fully developed almost up to the property.

Engineer Ranger – Yes, and the Warren County Collision Center is, the curbing along the property line in the rear and the EP, I would say, about 15-feet away with no trees in that buffer.

Chairman Samson – So, the reason would be a hardship

Engineer Ranger – Yes, I mean theoretically we could make it work, however, given with the DOT standards and trying to keep everything, the circulation patterns for emergency vehicles and this is the best layout.

Attorney Peck – That’s the better design alternative?

Engineer Ranger – Yes, this is (inaudible) that’s the buffer with those. The sign variance though, free standing sign it’s just in the bottom of the southeast corner of the lot. It’s a variance for the max height. So, in the zone we’re permitted a 5-foot max height for the sign where are proposing an 8-foot sign. A sign is on Sheet 15 of the plan set and it’s all for safety. This is a higher speed highway, a roadway and the higher the sign so at least people can see the sign which they don’t have to slow down but you know, they’ll know in advance of the site when it’s coming up and they don’t have to slam on the brakes. The sign is 25-feet which meets the minimum standard.

Lou Hardy – Your rendition, which is the sign?

Engineer Ranger – So, the black is the existing billboard sign which is proposed to remain. Now that, it’s just a one-way traffic and since it’s right in and right out, the location of the billboard sign, even though, if it was a two-way highway, there’s no way shooting site distance because nobody would be looking down the highway to make that entrance.

Member Lawler – Would the applicant have any concerns that marking the rear “no parking area” marked with no parking signs and yellow hash on the pavement to eliminate any illegal parking there?

Attorney Peck – That’s fine – it’s a good suggestion.

Member Hardy – When you said your primary reason for that sign being 8-feet is safety in reference to what study or what safety aspect?

Engineer Ranger – Just given the speed of the road – 50 mph. It's pretty consistent with all the Rt. 22 signage. The BP sign is about even with the billboard sign. The higher up it is, the easier your eye can catch it and all the drivers on this road will be looking at, you know, the BP sign which is significant and taller and the billboard sign and then if we have our proposed sign at 5-feet everyone can see it.

Attorney Peck – And, could that also block the view of people leaving the site if it were

Engineer Ranger - If it were closer

Attorney Peck – lower

Engineer Ranger – it could, I mean if, it won't impact any site lines just given the distance it is from the right of way line that won't be an issue. It's mainly

Member Hardy – I didn't notice that in the plans, do you have that sign in reference to your site additions pull in or out of there?

Engineer Ranger – I believe there is a site

Member Hardy – if I overlooked it, I don't know but

Engineer Ranger – I believe we had data. I saw it at some point. Yes, Sheet 6

Member Hardy – If it's in there, I believe you. I just didn't, I don't recall so that's why I was asking.

Engineer Ranger – Yes, it's not a line of site for the sign itself; however, it is the site line, I believe yeah, Sheet 9 is the site line profile so, that shows a distance of 530-feet so that is the required site line per the DOT Standard for ... which there's adequate site and the last variance is the front yard parking variance for the 4 stalls in front here. The variance is for parking in 56-feet of the front line where 75-feet is required. This is just the ordinance reads that parking is required to be behind the front yard setback. Now, the reduced parking, the reduced setback was ultimately needed to maintain the internal circulation. We could just have just the driveway; however, you know, it made engineering, from an engineering stand point it just made sense to have some stalls here for ADA access.

Member Hardy – Let me ask you this, in reference to ADA, does that mean the ADA had requirements of since we're cutting it normally the zoning is set up for that car to pull in or out which is 75-feet so are you saying that if the variance is granted to 55, 56-feet, that is federally approved parking spot?

Engineer Ranger – Yes, that will fully comply with all the requirements. The proposed layout minimizes the impervious coverage keeping it consolidated. It could push the entire development back and the roadway gets longer; we reduce coverage the wide 30-foot isle here in the rear. The front yard parking configuration is consistent with other commercial developments on Rt. 22. As you can see the neighboring properties.

Member Lawler – Is there any thoughts of a generator?

Engineer Ranger – That I'm not aware of. I know there's public gas so

Member Lawler – I don't know if it's required for the maintaining during power outages your product and if it is, where do you plan installing that?

Engineer Ranger – Is your question (inaudible)

Member Lawler - No, it's just if you are where are you going to put it.

Engineer Ranger – Yeah, I mean there is room for

Member Lawler – What size are you going to need?

Engineer Ranger – Yeah, I'll propose that and we'll make sure that that is on the plan.

Member Hardy – My other point with that you brought up, you said you're at 49.9 percent lot coverage?

Engineer Ranger – Yes.

Member Hardy – So, the generator, it's not anywhere already where you have it where you have it macadam or asphalt, is that going to put you over your 49.9?

Engineer Ranger – We, there is some wiggle room there. We do have some areas that we should easily trim some impervious coverage

Member Hardy – There are roof mounts ...

Engineer Ranger – I mean, ultimately, let's say it's a, you know, 6 by 4-foot pad, it's not a huge amount of impervious coverage so less than (inaudible) and we do and I'll testify to this but we are parking right now is, we meet the requirement, however, we're not taking credit for the EV parking so, we could reduce our total parking to 45 spaces (inaudible) so we were just trying to make sure there's adequate parking. I know it was a concern that some of the board members (inaudible) So, we prepared a traffic statement which we've submitted to the board. This evaluated trip generation, access, circulation and the Rt. 22 corridor. The driveway is a right in and a right out only with no median opening available and all site traffic arrives in parts from the westbound on Rt. 22. The trip generation summary by using the ITV Land Use Codes for the marijuana dispensary and a small office in am peak hour is 8 new trips; the office is the only generator in am peak hour due to the dispensary being closed at 6:30 in the morning. The pm peak hour, there are 107 new trips and the Saturday peak hour are 119 new trips. The trips identified represent the site generated traffic. We do not account for the pass by trips. All of the projected volume will be new trips on the surrounding (inaudible) It won't be all new trips on the surrounding roadway. Overall, the anticipated trip generation is a conservative number can be readily accommodated on the Rt. 22 corridor which is a major arterial roadway (inaudible) capacity and signalized spacing to serve the existing anticipated commercial traffic patterns. Onsite parking in circulation was designed to allow for some queuing and I performed a queuing analysis on top of the 47 parking spaces we are providing; there's about roughly 688 linear feet of additional length to complete the full circle. This could accommodate roughly around 24 vehicles in addition to the 47 stalls which is well over any of the anticipated demand. In accordance with the Township Parking Ordinance and the size of each proposed use the development is required to provide 47 off street parking spaces consisting of 20 parking spaces for the office use and 27 parking spaces for the dispensary. In addition to the ordinance compliance, a parking demand analysis was conducted with the ITE Parking Generation Manual. The IT Manual indicates a peak parking demand of approximately 24 spaces for the dispensary and 10 spaces for the 5,000 square foot small office combined equals 34 spaces according to IT Manual. This comparison demonstrates that while the project complies with the township ordinance requirements, those 47 spaces are more than adequate to accommodate the anticipated parking demand on site. In summary, at the traffic, the proposed use will not create an adverse condition on Rt. 22 or any municipal roads. The DOT will perform their detailed analysis and review target major permit process and we will be submitting and we don't anticipate any issues getting that. As for stormwater and grading, Sheet 7 of the plan set, so the design is to be consistent with the existing drainage patterns which everything drains from the southeast corner to the northwest corner of the property. We were able to meet the NJ:8 Design Standards by sending the roadway runoff into the systems located over the parking and capturing the front parking area into a manufactured treatment device before going into a small-scale filtration basin

in the rear. We will be revising that in subsequent revisions to have no infiltration. All systems will be lined due to the carbonate rock formations.

Attorney Peck – And, that’s consistent with Mr. Wisniewski’s Engineering Report – correct?

Engineer Ranger – Yes. We will be performing a Geo Technical Phase I and Phase II addressing the 243-48d and that will be submitted prior to final approval. The proposed stormwater management system will comply with any recommendations on the report which I’d spoken to our geotechnical engineer and he has already, just with limited knowledge, recommended the system be (inaudible) and we have in addition reviewed the stormwater analysis assuming no infiltration and revising the stormwater sizing and we are confident that we can accommodate that runoff without revising the site layout.

Member Hardy – Where is all your roof runoff going?

Engineer Ranger – The roof runoff is going right into the small scale

Member Hardy – (Inaudible) where it’s going to run across the asphalt.

Engineer Ranger – It’s being piped through roof leaders and then going in. If it runs all over the asphalt it becomes an issue. Any water running off the asphalt you would treat before it goes in. So, as for utilities, we’ll skip ahead to the Lighting Plan is Sheet 10 of the plan set, there is two existing public utilities to the property. There is a gas line that is roughly 5-feet off the roadway line for Rt. 22 in the one area and there is an existing utility pole in the southeast corner lot that we would tie into our electric. We’re proposing an onsite septic system in the rear here to capture sewer and we are proposing a well in the front yard in this area. The reason for being in this area is due to a neighboring well here. The proposed septic system here and there’s some neighboring septic system issues. There’s a very small window where we can propose the well on the property. There is an option that there’s an existing fire hydrant across Rt. 22 which if, I mean, we submitted a will serve and to see if the water company would be willing to say directionally drill under and gain access, we’ll provide that to the township, you know, when they respond. For the lighting, all lighting is LED full cutoff and dark sky compliant. We’re proposing 7 pole mounted fixtures spaced out through the parking area. All lights will be LED full cutoff dark sky compliant and we agree to provide uniform site remediation.

Member Hardy – What was your preference – you’re planning well but if the water company brings you a water main

Engineer Ranger – Yeah, so there is an existing fire hydrant in the submitted will serve request to the water company to see if they had capacity or if they were willing to, sometimes water

companies will pay for that upgrade to directionally drill under a highway to gain access to these lots over here and provide the public water so

Member Hardy – Obviously, your first option to deal with your well first?

Engineer Ranger – Yes, right now we have to assume they're not going to allow that; they're just going to say that in the future maybe or we're not going to provide public water to the site. So, both neighboring properties do have wells, however, when the BP was developed in early 2000's, the collusion repair was developed prior to that so the site lining was designed so that no glare is directed towards Rt. 22 or any neighboring properties and the lighting kind of will be revised to note the use of 3,000 Calvin fixtures and to document reduction in lighting intensity during non-operational hours while the facility is closed.

Attorney Peck – So, that would be 10 pm as set forth again.

Engineer Ranger – Yes.

Member Hardy – To interrupt you again, I don't want to reiterate and go back to building the sign right now is not supposed to be illuminated?

Engineer Ranger – The sign right now, is not proposed to be illuminated, however, we will comply with the township ordinances.

Member Hardy – I didn't know if you had specs on illumination.

Engineer Ranger – No, currently we do not, but we have the detail for the sign and I'll finish up with the landscaping so, the landscaping plan we're proposing, foundation plantings around the property with permanent shade trees around the building, small shrubs throughout at a 25-foot landscape buffer on the westerly side and the rear side of the site comprised of both evergreen trees, shade trees and shrubs. A 13-foot landscape buffer is proposed along the easterly property line; this is comprised of both evergreen trees, shade trees and shrubs as well.

Attorney Peck – And, Derek, those will be New Jersey native and drought resistant as set forth in the engineering review?

Engineer Ranger – Yes, you beat me to it, it's all set forth in our so what we submitted to Highlands, that was one of their comments as well that we have all drought tolerant species. So, we'll be updating that.

Engineer Wisniewski – It will be native and drought tolerant.

Engineer Ranger – Yes, correct. So, in conclusion the project conforms with the HB Zone. It meets all the stormwater and engineering requirements or it will meet all the stormwater requirements and it makes a meaningful improvement on the current underutilized highway parcel in the township. I respectfully request your approval on the application and I am happy to answer any questions. If you like to go through any of the letters

Chairman Samson – So the sign, is that going to be like an electronic sign, flashing

Engineer Ranger – There's no flashing signs permitted, it's just backlit. I believe backlit signs are permitted.

Engineer Wisniewski – We were just discussing that briefly here and so, yeah, as long as they are not flashing or moving signs then they are fine. It could be internally or externally, you know, ideally, you know, externally illuminated signs are less impactful certainly been like an internally illuminated or box sign but certainly that's up to the applicant. As long as it is conforming with the zoning ordinance and we are not contemplating any variances for the sign. Besides height then

Chairman Samson – Did we make that ordinance yet?

Engineer Wisniewski – That's already on the books.

Chairman Samson – Who is going to own the billboard? You guys are going to own the billboard?

Engineer Ranger – Yes, the well the landlord is.

Engineer Wisniewski – So, it's not leased out?

Engineer Ranger – Leased out but

Engineer Wisniewski – But you own the billboard itself.

Secretary Dilts – What are the days and hours of operation?

Engineer Ranger – So, currently on our plan we had a 9 am to 9 pm. It would be whatever is permitted in the zone for hours of operation.

Attorney Peck – Well, we know it can't be past 10 because that's when the lights go out so,

Attorney Bryce – Well, that’s going to be up to licensing and I’m not sure, I get so confused between different towns but we have business hours regulated

Attorney Peck – I didn’t see, I checked that and I didn’t see but I think we’ll be guided by what the Township Council says when we go before them for licensure.

Attorney Bryce – Yeah, I think it’s going to be more of licensure issue than it’s going to be

Secretary Dilts – I have a question, you said, so there’s going to be three separate buildings?

Engineer Ranger – No, one building, three separate units, two separate uses; office use is broken into two tenants.

Secretary Dilts – So, you will be renting out space?

Engineer Ranger – Yes, that is my understanding.

Secretary Dilts – An office space, one of those?

Member Lawler – Is it Mercantile or

Engineer Ranger – It’s just office. This is all governed honestly by the DOT, so, given the site frontage, the proximity to the adjacent properties, the DOT has a whole calculation and I would say, it determines the maximum space permitted for the lot so

Member Lawler – So, it cannot be mercantile?

Engineer Ranger – No.

Attorney Bryce – One resale use and two offices.

Engineer Ranger – Correct.

Engineer Wisniewski – I guess that’s a question that comes up then, will there be signage for those office uses?

Engineer Ranger – Yes, there’s a small

Engineer Wisniewski – They’re captured on there

Engineer Ranger – There’s a small tenant sign.

Member Hardy – You’re proposing two separate businesses in this one lot? Adam’s Outdoor Sign, you own the property sign as one business and you got a retail and then you got the dispensary front and the two office spaces in the back.

Engineer Ranger – Yes, in an ideal world that would be probably office space can’t be retailer it has to be strictly office.

Chairman Samson – Is there anything that can stop them from using the billboard as advertising for their own place?

Attorney Bryce – Well, it’s actually better if they use them for their own place.

Engineer Wisniewski – Billboard, it’s there, it’s been there conforming our at least existing non-conforming use. I didn’t look at that. I don’t know if Dan did from a zoning perspective. It is a permitted billboard.

Planner Bloch – It’s an existing sign.

Engineer Wisniewski - Right, it is an existing billboard sign so I don’t think that there’s anything stopping them from telling Adam’s Outdoor that they their business advertised.

Vice-Chairwoman DiLeo – How long is the Adam’s outdoor lease for?

Engineer Ranger - So, that’s an annual lease that renews, it’s July to June.

Chairman Samson – Anybody else have any questions?

Engineer Wisniewski – Mr. Ranger reviewed everything that I had in my letter. Unless questions from the board, I don’t have any feedback.

Chairman Samson - The big things from the first meeting were the Phase I, Phase II

Engineer Wisniewski – The traffic was the big thing and that’s, we went through all that and our traffic engineer, our office reviewed it and they found the conclusions were sound and thorough and not concerned with queuing or anything like that so. Certainly, I don’t know how busy business will be and hopefully it’s not an issue of queuing out into the highway like a Dunkin Donuts you might see or something like Chic Fil A but, you know, maybe then operation of the business will have to adapt maybe ...

Engineer Ranger – And, this section there’s about 13 feet of shoulder too, so it in a world where it’s surpassed all of the IT trip generation rates and if there was any queuing, I don’t think it would be

Attorney Peck – And, a lot of these businesses too are moving to an app based ordering system where you put it in and you have a set pickup time so it’s really

Engineer Wisniewski – So, you don’t have

Attorney Peck – in and out, yeah, it’s just

Engineer Wisniewski – loads of people arriving at the same time

Attorney Peck – show up it’s a five-minute transaction.

Attorney Bryce – But the board should also be mindful that the fact that there’s a difference between internal circulation and actually traffic impact because of it is a permitted use within the zone district so it is assumed that the traffic and it may generate and it’s considered when enacted that allowed this use. Traffic impact is not the internal it may be an issue but the traffic impact on the road system it is not a basis for the board to say it’s good enough just from a legal perspective.

Chairman Samson – All right, so we have any conditions here

Attorney Bryce – Well, they would certainly have to comply with whatever licenses the state would

Attorney Peck – Yeah, Chapter 88 if the Township Code has a lot of different performance standards including like submitting a security plan to the Police Department and getting that approved. So that’s all stuff you would have to do before, even obtaining the township license let alone getting a CO.

Engineer Ranger – Also, Phase I and Phase II of the condition of approval.

Member Hardy – My concern is on our books right now, we do not have our (inaudible) in the sign for the whether or not you right now have a lease with Adam’s Outdoor – my only question is, is there plans to renovate that sign because of right now, we don’t have, we don’t allow any flashing or LED signs – our zoning is very vague in that realm. So, my question is, do you have a plan on putting a new Adam’s Outdoor billboard sign?

Engineer Ranger – Not at the moment. At the moment that's

Talking over each other

Member Hardy – My other question then is, just clarification I mean other than that, my only question is, if you got the three store fronts, right, your original parking spaces for how many?

Engineer Ranger – We have 47 stalls proposed.

Member Hardy – Forty-seven stalls and how many of them were for employees with the three separate stores? Am I understanding that correctly, the dispensary is in the front and one office is for the dispensary?

Attorney Peck – We going to need to swear you in if you're giving testimony.

Engineer Ranger – Parking calculations for the office, so, IT says 10 parking stalls in peak demand

Member Hardy – And, stalls for all three of the stores.

Engineer Ranger – for the two office uses and then it has,

Engineer Wisniewski – It's based on square footage

Engineer Ranger – Based on square footage and that number so the dispensary has 24 parking stalls and those counts are, the way IT does it, they account for employees and they account for customers in those numbers so, even IT trip generation a lot of time you'll see, you'll have say 55 people entering and 53 people existing during peak hour because 2 of the people are staying. So, that is our accounting for in those counts.

Attorney Bryce – Not to mention the peak hours.

Planner Bloch – Does IT have cannabis as a use or

Engineer Ranger – Yes, it is very conservative and the standard deviation between the lowest and I guess it's like a 150 so it's a very large – they take a more conservative route which is a doing off highest demand so all the trips that I detailed out that would be in a this is the most popular spot in the area.

Planner Bloch – And, have you looked at any other nearby dispensaries to see how they're operating or just going on ITE?

Engineer Ranger – Just going on IT, however, the Phillipsburg,

Attorney Peck – Apothecarium – that doesn't have a parking – that doesn't have its own parking so its people are jockeying on South Main Street which you are not going to have.

Engineer Ranger – and, Pohatcong just approved another dispensary just down the street but not on the westbound side but the eastbound side and essentially people are going on trips now to go to these places generally, they're just passing by them so, a lot of the trips will be on people's routes home they just go to. Say, this one, if this is their route or they'll go to eastbound, they will go to the new one in Lopatcong or the apothecarium which I believe

Attorney Peck – Going on line in Greenwich and I think another in P'burg.

Planner Bloch – It's a dispensaries destination?

Engineer Ranger – I think it's becoming less of a destination. It was when IT did it's calculating or it's trip generation rates.

Attorney Peck – And, it will become more like liquor stores.

Engineer Wisniewski – Yeah, stop on the way home.

Attorney Peck – Yeah, just whatever is convenient and every town has one and

Attorney Bryce – And, there's no internal consumption area.

Attorney Peck – It is not permitted. There is no onsite consumption.

Attorney Bryce – So, then it changes.

Attorney Peck – It is not a lounge.

Member Hardy – It is my understanding there is no drive up either, right?

Engineer Ranger – No.

Member Hardy – Is that a legal ramification or in the future, do you believe there will be?

Engineer Ranger – I’m not sure.

Attorney Peck – We’d have to come back here.

Engineer Ranger – It is not proposed because we can’t.

Member Hardy – It is, I’m not asking, obviously, it is a lot to drive

Member of the Applicants - The regulatory commission is approved for drive throughs and there’s quite a few in the state.

Member Bloch - Chapter 88 is for the license and is there anything you can provide this board in terms of some of those

Engineer Ranger – Sort of land use elements like the

Member Bloch – like the odor control or lighting

Attorney Peck – Well, why don’t we swear in

Member Lawler – That’s a cover, is that an overhang?

Engineer Ranger – Here?

Member Lawler – No, the side, the loading dock

Engineer Ranger – Oh no, that’s open, that’s just hatch – no parking

Member Lawler – Ok. Thank you.

Engineer Wisniewski – It’s not an awning or anything like that.

Attorney Peck – Are there any more questions for Mr. Ranger? Ok. Thank you very much. I’d now like to call our cannabis regulatory and operational expert, Sharon Murrah.

Attorney Bryce – If you’d raise your right hand, do you swear and affirm that the testimony you are about to provide to this board is the truth, the whole truth and nothing but the truth?

Sharon Murrah – Yes, I do.

Attorney Bryce – Okay. Please state your name and spell your last name.

Sharon Murrah – Sharon Murrah – M-u-r-r-a-h.

Attorney Bryce – Thank you.

Attorney Peck – Sharon, could you explain to the board your background in the cannabis industry?

Sharon Murrah – For 3 ½ years, I worked with Green Thumb Industries, a very large multi-state operator in the State of Massachusetts, Connecticut, Rhode Island, New York, New Jersey and Maryland so lots of different states regs.

Attorney Peck – And, are you involved with the operation of cannabis dispensaries?

Sharon Murrah – Yes, I have been and am now.

Attorney Peck – So, you are familiar with generally how they operate and how this is proposed to operate?

Sharon Murrah – Yes.

Attorney Peck – Okay, very good. First of all, what Mr. Bloch had asked. Will there be any packaging, manufacturing or anything like that occurring at this location?

Sharon Murrah – No. We are just seeking to actually get our products from other suppliers.

Attorney Peck – And, will this operation generate any odor?

Sharon Murrah – It's actually, in my experience, there is very minimum odor and it's within side the dispensary and certainly and within the vault. The vault is built in a certain way that contains a lot of the smells. Our customers are also not allowed the open up the product while on premise on the property at all, so it minimizes any kind of affect that anybody may be able smell of the product.

Attorney Peck – So, if you patronizing or working at one of the adjacent businesses, are you going to have, you know, the odors coming in?

Sharon Murrah – You, will not.

Attorney Peck – Other than conventional, you know, if any commercial establishment would have exterior lighting with that, will there be any additional lighting here beyond what I would say customary and expected?

Sharon Murrah – There's usually additional lighting. The CRC definitely requires it because of the amount of camera footage that we have to have around our entire dispensary and within our dispensary. The only place there is not camera's is inside the restrooms, of course, and that's so that local law enforcement can be able to have contact with that but as well the CRC monitors cameras in any of its dispensaries in the State of New Jersey at all times.

Attorney Peck- Is there anything that would generate undue noise?

Sharon Murrah – No.

Attorney Peck -Glare?

Sharon Murrah – No.

Attorney Peck – Any sort of nuisance type condition that would be obnoxious to either passersby or neighbors?

Sharon Murrah – No.

Attorney Peck – And, could you kind of, you know, generally speaking, what would be the experience of somebody be they pull up into the dispensary, how does that work?

Sharon Murrah – Typically, can be as quick or as fast as you would like it. Typically, what is happening now in the cannabis industry, is most of the time, about 60 to 65% of the customers coming in already set a pre-order and set a pickup time so, those customers are coming in, parking, walking in and usually getting in and out within five minutes and on their way. Then there's a few customers who will come in because they want consultation. Those customers usually don't spend more than about 10/15 minutes tops but that's because they're getting sales consultants to be able to help them to identify the products that can help them to fit their needs.

Attorney Peck – And, what kind of security protocols are generally followed?

Sharon Murrah – Security typically not only from the camera standpoint as I already mentioned, you know, most certainly, we are going to have our own in-house security where they will be watching the cameras as well, we most certainly do not want to permit loitering so that's the reason that we would want to be able to get our customers in and out quickly and get the sales

experience that they would like to get and we also have many points of being able to insure that it is 21. We do it at the point of entry into the business to check id's and again at the time of point of sale.

Attorney Peck – And, as the townships ordinance requires which you'll review and have the security protocols approved by the township Police Department.

Sharon Murrah – Absolutely.

Attorney Peck – And, no visible product is visible from the street or from outside?

Sharon Murrah – No, and even within our own location, customers cannot actually visually see the product. It's against the regulations in the State of New Jersey Regulatory Commission. So, the only times you might see anything, is actually in the package that has no product in it, it's only for visual purposes.

Attorney Peck – And, I guess my final question would be, how would deliveries generally be made to a dispensary?

Sharon Murrah – Deliveries from any of the suppliers within the State of New Jersey that are, of course, have to be approved by the CRC, but on top of that they are actually equipped with the video footage and camera footage so to be able to monitor that movement and they actually have to follow set routes within the state and then when they do, they are all completely sealed; nobody can look inside the larger vans that they carry the product in. They would actually know when the delivery is coming to our location and then our security team member can be there with the team to actually receive the shipment and usually, they are only there for a very short period of time to drop off the product and then it is inhouse in our vault where we are being able to keep security measures with the product until the point of sale.

Attorney Peck – And, the deliveries usually made with like courier vans or passenger vehicles or is it box trucks or tractor trailers?

Sharon Murrah – In my experience, I've really never seen a box truck in the State of New Jersey, they are usually courier vans, they are completely enclosed and you can't see, there's no windows, you can't see inside and they are unmarked.

Attorney Peck – They can fit in a regular parking space?

Sharon Murrah – Yes.

Attorney Peck – You have anything you'd like to add; I have nothing further if the board or

Vice-Chairwoman DiLeo – How often do deliveries come?

Sharon Murrah – It depends on the volume of the store. For instance, I had a location one time that was extremely high volume, so we typically, we scheduled them separately so they were not back-to-back and we would have upwards to five deliveries a day Monday through Friday.

Planner Bloch – Question on the lighting – so, you said that there's video cameras or cameras that need lighting, is the lighting on 24-hours a day or does it get turned down

Sharon Murrah – There's certain key low-lighting and the dispensary, of course, will do anything within the township that's expected, but typically there's a lower level of lighting so that we can still have video access to see especially if for some reason somebody comes onto the property after hours.

Planner Bloch – So, after the businesses are closed, lighting levels can be reduced?

Sharon Murrah – Yes, they're usually not as like bright in the parking lots, they're reduced at that level, yes.

Attorney Peck – Security lighting after 10 pm.

Engineer Ranger – 50% or something like that reduction in brightness during off-hours.

Member Hardy – I have a question, I don't know if it is for you or you. Just, I've never been in one, so my experience with the Phillipsburg one is, there's a high volume of pedestrian traffic coming out of the building. Is that going to be the same situation here and if it is, what are you doing inside the store or outside the dispensary that is going to reassure that someone coming in from the road you're not going to have a line of people standing?

Engineer Ranger – So, there is customer waiting areas, the door is large enough to have one person coming in and one person

Member Hardy – And, what's the occupancy rating of that waiting room?

Engineer Ranger – That I'm not an architect nor did I prepare these plans,

Member Hardy – Like if you're, you say there is 47 parking stalls, 25 people coming in, the waiting area

Engineer Ranger – It's about 20 almost 14-feet, it's a lot and that's just one side, so there is two security doors, probably one for entering and one for exiting.

Member Hardy – That answered my question. Thanks.

Sharon Murrah – And, the location that you're talking about doesn't have a lot for parking; it's side street parking and that's the reason that they're running into the problems they are.

Vice-Chairwoman DiLeo – It's just a more walkable area too; you don't see many people walking up and down

Sharon Murrah – Yes, it's a large parking lot and then we have a waiting room and quite frankly, a lot of it comes down to the technology and what you put into the store that allows people to get in and out at a faster rate.

Chairman Samson – Any other questions? The smell of it, you said that really the only smell is inside the vault. Is that because of the way it is package or is there a law that requires some kind of scrubber for the smell or

Sharon Murrah – A lot of the suppliers out there actually have all this childproof of packaging where even if it's almost like Ziplock, it is very difficult to open so it seals a lot of the smell.

Member Hardy – And, the bathrooms are for customers?

Engineer Ranger – No, the bathrooms are completely separate. Staff area, the countertop surrounds that and then there is a break room all of this is only accessible by the employees.

Member Hardy – None of your dispensaries have customer bathrooms?

Sharon Murrah – I have between all of the states, it depends upon sometimes the state or the city would require it. A lot of times, I'm used to some townships that did not want it because of the lack of the camera footage that would be in the bathroom and it can, you know, big proponent of somebody who was a customer to them trying to ingest in one of the bathrooms where there is not cameras so that's the reason we like to kind of limit it just to the employees.

Chairman Samson – All right, so the next step here is we are going to have to vote on these, the variances

Attorney Bryce – Open it up to the public for public comment. If you like to come and make a comment, you will get sworn in, okay?

Pam Thomas – Question or just comment?

Attorney Bryce – If you have a question, you don't need to get sworn in. If you want to make a comment, I'm going to swear you.

Pam Thomas – I just have a question.

Attorney Bryce – You can ask these guys, not the board.

Pam Thomas – Age requirement – so, I heard you say there is an age requirement at entry and also at purchase. Does that mean if you have more than one employee on the shift, if you're busy, how do they do both things and what about, you know, who makes that age requirement that has children with them?

Sharon Murrah – From a cannabis regulatory commission standpoint, first of all in our location, we will have a point that you come in and you have to get checked in before you can actually then walk into the dispensary. That is in the waiting area. So, you wouldn't even be allowed into the dispensary until we've proven you are 21 years of age or older. Then the CRC does allow, they've gone back and forth but there are times that they have said that it is okay, if someone has their own young child with them that's underage that they can hold them to bring them into the building. We follow whatever the cannabis regulatory commission tells us at that time.

Attorney Peck - Since the question was raised, why don't you, what would a typical staffing be at a dispensary.

Sharon Murrah – Well, you're looking at this location as definitely going to have more than two or three people; it's probably going to be in the upwards of eight to ten people at any given time in the building. There's always going to be someone manned at the front of the store to be able to check them in and make sure they're of age and that they are legal before we can then allow them to come into the regular part of the dispensary to talk to anyone of our people about the project and then to be able to ring up at the point of sale.

Pam Thomas – Considering what the age cutoff is and you're saying the mother or dad is holding a child, at what age. So, you're saying well, it's a five-year-old and I can carry you or it's an eight-year-old and I'm holding your hand or you know

Sharon Murrah – Every state is a little different right now.

Pam Thomas – What is it here – what would it be for this?

Sharon Murrah – Here in New Jersey, they've allowed if it is someone with a child that isn't like able to walk on their own, like toddler type of size, they have never come back with an age and they've always said toddler type so then that child would not be you know, what's the word, felt safe by leaving alone in the car and so that's what the CRC has said and they can change it at any given moment. We just follow what their protocols are.

Pam Thomas – My second question was – Rt. 22 is like we are getting more and more and more truck traffic, eighteen wheelers, what's to prevent them from stopping along the side of Rt. 22 and having, you know, because, I'm just going to grab this, park it to go. How do we control that?

Attorney Peck – Law enforcement will stop people from parking

Pam Thomas – We're already struggling with eighteen wheelers.

Mayor Wright – It's not their problem. The Police Department, they will take care of it.

Chairman Samson – That's a federal law for anybody in a commercial vehicle to have any kind of drugs at all so, I don't know that would be my guess is that you know

Pam Thomas – Okay. Thank you.

Chairman Samson – Do you see any problem with these variances? Before we vote on it so

Planner Bloch – So, the first thing you have is the lot area right and there was something put into the ordinance for the dispensary use that it only needs to be one acre but because they have multiple uses, there's still required to be the two acres and I think they've presented testimony that the site still works despite still being a little bit undersized; it reduces the coverage but still in compliance with all of that. The only thing that is not compliant with is the buffer on the one side which is from the gas station so I don't really see any substantial detriment to the gas station from small buffer. The parking in the front yard, I think it works. It's really just technicality in the way the ordinance was drafted. The building was actually set at 75-feet from the front yard setback line. The parking would be allowed in the front so, they moved the building back ten feet and the ordinance says you have to have the parking behind the setback line there well there is not enough room but I think they are meeting the spirit and intent of the ordinance which is keeping with the parking next to the building not pushing it out into the front yard so if that makes sense and then the sign you heard that probably because of the topography, the speed of the road, they want to see a little bit taller rather than a small monument sign so it is more visible. It's going to be tough to see that with the BP sign and then you have this sign and then you have the billboard all right in a row. So, we really want to make sure people know where

they're going. They miss that turn, they have to go all the way to Phillipsburg and turn around and come back so,

Engineer Wisniewski – One final clarification, I guess, I didn't ask this question, is there going to be building mounted signage.

Engineer Ranger – There is one building mounted sign I believe on the front face of the building.

Engineer Wisniewski – Do we have an elevation or something on the architectural plans that will depict that? Just to give the board a full view of what that might be.

Attorney Peck – We'll comply with the township sign ordinance for sure recognizing that if there is any deviation, we have to come back in.

Engineer Ranger – So, it's not shown here but it is to be located in this area along the front.

Engineer Wisniewski – It should be sized as Mr. Peck indicated conforming with

Engineer Ranger – Yes, it will conform

Engineer Wisniewski – with the zoning ordinance for side mounted signage.

Member Hardy – It's three businesses anyway so that would our ordinance for the signs that would, you'd be covered under that anyway just like the

Engineer Ranger – Yeah

Member Hardy – I stand corrected on that one because you're saying you're going to have an office. Did you say the location of it could be pushed back to the back of the property or there

Engineer Ranger – It would require additional variances for impervious coverage.

Member Hardy – So, that's why you're asking for a variance because if you push it back then you're going to need more.

Chairman Samson – All right so, we can do these in bulk.

Attorney Bryce – You can do them all at one time.

Chairman Samson – 243-74 minimum lot area, 243-74d buffer strip, 243-53e free standing sign height, 243-49e front yard parking. Would somebody like to make a motion to approve these variances?

Attorney Bryce – With the associated preliminary and final site plan.

Engineer Wisniewski - With the condition that the approvals from the DOT are met.

Attorney Bryce - Yeah, it's going to be compliant with all the engineering and planning memorandum

Engineer Wisniewski – And, all outside agency approvals as well.

Motion by Member Caughy, seconded by Member Lawler. Roll call vote:

AYES: Caughy, Hardy, Lawler, Vice-Chairwoman DiLeo, Chairman Samson

NAYS: None

Motion to hold an Executive Session by Vice-Chairwoman DiLeo, seconded by Member Lawler. All in favor.

Motion to go back into Regular Session by Member Caughy, seconded by Vice-Chairwoman DiLeo. All in favor.

No action to be taken.

Motion to close by Member Caughy, seconded by Vice-Chairwoman DiLeo. All in favor.