

# Meeting Minutes

## Carneys Point Township Planning Board

The Meeting of the Township Planning Board was held on August 13, 2019 at the time of 6:30 PM.

The meeting was called to order by Chairman Anthony Rullo. He read the Open Public Meeting Act and led the Pledge of Allegiance to the Flag.

In attendance were: Chairman Rullo, Charles Newton, Jim Sassi, Ed Voyles, Larry Basile, John Bibeau, Frank Cacia, Howard Cagle, Mark Lee, Levi Snow and David Raymond  
Absent: Rich Gatanis

Also in attendance were Board Attorney, Michael Aimino, Esq. Board Engineer Stephen Cosaboon, PE and Board Planner, Candace Kanaplue, PP, AICP and Secretary Freda Earnest.

Motion was made by Jim Sassi to approve the minutes of meeting held July 9, 2019. Second by Charles Newton and approved by all who were in attendance at that meeting.

At this time the Planning Board Attorney, Michael Aimino, Esq. explained to the Board members and members of the Public that the matter coming before the Board was to made an interpretation of the Townships Zoning Ordinances. The Organizations present had made application to our Zoning Officer for permits which were denied by the Zoning Officer based on his interpretation of the zoning ordinance. They are now appearing before Zoning Board to appeal the denial. The Township Committee Representative to the Board, Charles Newton and Mayor Designee, Ed Voyles stepped down and this left the seven member Zoning Board in place.

First to make their presentation was Surterra Holdings Corporation, appeal account number 2019-07. Board Attorney, Michael Aimino Esq. swore in Surterra company officials Tabatha Krol and Nichols Monette. Mr. Aimino made it clear this hearing was for a use approval and not an application for site plan approval  
Applicant is looking to open a medical marijuana dispensary in an existing structure located at 200 N. Virginia Ave. The site is located within Limited Commercial zoning district (LC) and while it does not specifically permit medial marijuana uses, retail stores not exceeding 5000 square feet and medical or dental clinics or laboratories are permitted uses in the LC District.  
They explained that they already have a cultivation facility approved in Pennsville and want Carneys Point to be the retail site. The product would arrive finished and ready for sale with a doctors prescription necessary along with proper ID's of the patient. Hours of operation would be 10 am to 8 pm. There would be approximately 40 employees consisting of two shifts; parking is sufficient as is. They are calculation an average of 5

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to 15 minutes for customer to be on site. Any waste of the product disposal goes back to the facility where it was packaged for disposal.

Security of the building would be just like current pharmacies and jewelry stores with 24 hour surveillance, key card systems and unarmed guards on site. People attempting to just drop in and browse would have to sign in to a visitors log and everyone is recorded. Planner Candace Kanaplue, PP of Bach Associates gave her report. The LC (Limited Commercial zoning district) does permit medical clinics, dental clinics, laboratories and retail stores not exceeding 5,000 sq. feet. Due to the nature of the business, the zoning officer wanted to have the Planning Board approve the use of medical marijuana cultivation and final product production facility.

She stated that, should the Board approve this as a permitted use, the applicant must return for a site plan review and approval.

Board members asked questions concerning public being able to drop in and browse. Everyone is required to sign visitors log and only those with a NJ state issued medical ID card can purchase product. The facility is regulated by NJ Dept of Health.

Candace Kanaplue stated that the clinic would be for medical marijuana use only and they would not be permitted to sell any future approved product (should Marijuana use become legal in NJ) without getting State and Planning Board approval.

The purchase of the property is contingent on the states approval of use and can take 60 to 90 days to grant after the August 22<sup>nd</sup> submission deadline. The property currently contains a 4,900 sq. ft. diner and is located at 200 N. Virginia Ave. Property is .69 acres

Since this is a hearing to decide the zoning denial of use issue, it is not open to the public for comment. Should the applicant file a formal site plan, the public would have time to make their comments at that meeting.

Motion to accept this as a permitted use for the LC zone was made by Larry Basile and second by John Bibeau. Roll call vote taken:

Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
A. Rullo			X				
L. Basile	X		X				
J. Sassi			X				
M. Lee			X				
H.Cagle			X				
J. Bibeau		X	X				
F. Cacia			X				

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The next company to be heard for a denial of the zoning permit for a medical marijuana facility was Green Line Co, Arthur S. McHenry III, CPA & CEO.

At this time, Board members Jim Sassi and John Bibeau stepped down due to a conflict of interest.

Attorney Mike Aimino, Esq. swore in Art McHenry, CEO of the Green Line Co. and Leon Weingrad, President of the Management Committee and who has over 25 years of experience in developing hydroponic systems and cultivating plants.

Mr. Weingrad explained that they started growing lettuce hydroponically in Pennsylvania and it is a very efficient and cost saving operation producing high quality at lower cost than competitors. They were recently granted a hemp license in PA and now wish to do so in New Jersey. The site is located at 35 Central Schoolhouse Road and is in the GC (General Commercial) and RR (Rural Residential) zone. Block 230, Lot 18 & 18Q. The site is approximately 56 acres of land.

Planner Candace Kanaplue stated in her report that the site is zoned GC and RR and medical clinics are permitted in the GC zone. However, GC does not specifically permit medical marijuana uses or agriculture. Because the proposed use is agricultural in nature, this cultivation and production facility of medical marijuana would only fit into the RR1 zoning district as a permitted use. If the proposed use is going to be located within the GC zone, a use variance would be required.

Also, should adult marijuana use become legal in NJ, and expansion of use would not be permitted under the medical use category. The applicant would be required to come back to the Board for approval of an expansion of use.

Motion to permit use for the growth of hemp in the GC/RR zone was made by Larry Basile and second by Howard Cagle. Roll call vote taken:

Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
A. Rullo			X				
L. Basile	X		X				
J. Sassi			--				X
M. Lee			X				
D Raymond			X				
F.Cacia			X				
H.Cagle		X	X				
J. Bibeau			--				X
L. Snow			X				

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At this point of the meeting, Secretary Freda Earnest had to leave due to recent surgery issues making it extremely difficult to stay on for the rest of the meeting. Township Clerk, June Proffitt took over as acting Secretary.

Also at this time, Board members John Bibeau and Jim Sassi returned to the Board.

Another application for an appeal of a zoning permit denial for Salem Botanicals, 100 Central Schoolhouse Road, Block 56, Lot 5 was heard.

Owner Willie Feldman and Director Terrance Ruf were sworn in.

The property is located in the RR1 Zoning District and Salem Botanicals currently operates a facility that grows botanical plants for medical use on the site. They have been in existence for a number of years and have significant knowledge in growing plants through hydroponic methods. They testified that the entire cultivation and processing of the product would be contained in the current facility.

Board Planner, Candace Kanaplue, PP, AICP said that RR1 permits general agricultural uses and she is of the opinion that the proposed use as a medical marijuana cultivation and processing center would be permitted as a use in the Rural Residential District RR1

The Board determined that the proposed use of medical marijuana cultivation and processing facility is a permitted use but the applicant is required to return to the Board for site plan approval before a zoning permit can be issued.

Motion to approve the use for this district was made by Larry Basile and second by John Bibeau. Roll Call taken:

Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
A. Rullo			X				
L. Basile	X		X				
J. Sassi			X				
M. Lee			X				
F. Cacia			X				
H. Cagle			X				
J. Bibeau		X	X				

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Next to be heard was Application 2019-06 Harding Highway LLC – Harding Highway Distribution Center for a major site plan and variance relief for property located at 826 Harding Highway, Route 48, Block 250, Lot 3, Carneys Point NJ.

Application Number 2019-06

Attorney for the Applicant, Clint B. Allen, Esq.

The Applicant is proposing to construct a 400,535 square foot warehouse and distribution facility with 78 loading docks and parking for 93 trailers and 270 passenger vehicles on 41.27 acres of land. Associated site improvements will include the construction of utilities, landscaping, lighting and stormwater management facilities.

The property is located in the GC (General Commercial) zoning district within the Courses Landing Redevelopment Area. The Applicant is seeking Preliminary and Final Major Site Plan approval along with three bulk variances and submission waiver approvals for the proposed construction.

In Planning Board Engineer, Stephen Cosaboon, PE's comments on the Land Development Review Checklist (see report attached) he referred to Item 23 Mete and bounds descriptions showing wetlands and wetland buffers were not included.

Item 32: Plan delineation of any proposed phasing

Item 53: Solid waste management, including provision for recycling, scheduling of trash pickup per ordinance.

Item 64: Soil fill quantity shown on plans

Attorney for the Applicant, Mr. Allen presented a completeness checklist response letter.

Item 23 – no phasing proposed

Item 53 –Testimony to the Board regarding the proposed solid waste management and recycling operations will be given at the technical portion of the hearing

Item 64 –Soil quantity – testimony will be given and a note added to the Site Plans regarding earthwork quantities.

Completeness review concluded and motion was made by John Bibeau to deem the application complete including granting a waiver (1) for any proposed development phasing and (2) granting a waiver of the requirement of providing a solid waste management plan for the completeness phase as one will be provided during technical hearing and (3) another waiver granted for the requirement of showing net soil fill quantities as they will be provided for review at the time of submission of revised plans. Second was made by Charles Newton and roll call vote taken:

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Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
A. Rullo			X				
L. Basile			X				
E. Voyles			X				
C. Newton		X	X				
J. Sassi			X				
M. Lee			X				
F. Cacia			X				
H. Cagle			X				
J. Bibeau	X		X				

### Technical Hearing for Harding Highway LLC:

Clint Allen, Esq. Attorney for the Applicant had the witnesses stand and Board Attorney, Michael Aimino, Esq. conducted the swearing in of:

Bo Farkas and Ryan Lowry representing the Harding Highway Company; Ed Wilkes, PE and Karl Pehnke, PE for the Langan Engineering firm; Scot Murdoch with KSS Architects.

The following exhibits were received:

- A-1: Existing Conditions Aerial Photograph
- A-2: Overall Site Plan Rendering (with monument sign detail)
- A-3: Open Space Plan
- A-4: Circulation Plan
- A-5: Fire Suppression Water Storage Tank Detail
- A-6: Rendered Building Elevation Perspective
- A-7: Building Floor Plan
- A-8: Building Elevation Rendering (with façade sig detail)

It was also noted at this time that Applicant has given legal notice as required by serving proper notice to property owners within 200 feet of the site, serving notice on all required government agencies and public utilities and by publishing a proper notice in the newspaper, all at least ten days prior to this hearing. This was confirmed by Board Attorney Michael Aimino.

Technical review letters from Board Engineer, Stephen Cosaboon, P.E. and Board Planner, Candace Kanaplue, PP, AICP

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A review of the major site plan was given by Attorney for the Applicant, Clint Allen, Esq. Applicant proposes to construct a 400,535+/- sq. ft warehouse and distribution facility with 78 loading docks and parking for 93 trailers and 270 cars on 41+ acres of land. Associated site improvements include construction of utilities, landscaping, lighting and stormwater management facilities. They are also seeking 3 bulk variances.

Project Engineer, Ed Wilkes PE of Langan Corporation introduced Exhibit A1 an aerial photograph and described the site. Exhibit A2 Site Plan was then overlaid on Exh A1 and shows one large building which can house up to 2 or 3 tenants for warehouse distribution.

There will be a water tower that will hold 250,000 gallons of water. He went over the driveway designs that will accommodate tractor trailers both in and out and will allow more efficient egress and be much safer.

There will be 2 to 3 work shifts with the peak hour shift using approximately 150 cars. Shift crossover will use the most spaces but they feel that the 270 spaces will be more than adequate.

Testimony from the Applicants Architect, Scot Murdoch described the building and Applicants traffic Engineer, Karl Pehnke, PE, PTOE testified regarding the traffic study

The Applicants Planner, Sean Moronski PP, AICP testified regarding the 3 variances requested which are (1) number of parking spaces, (2) width of driveway and (3) signage.

All details of the testimony from the Applicants Professionals can be heard on tape of this meeting.

The Applicant agreed to the following conditions of approval:

1. Provide the Planning Board and Township with a stormwater management plan
2. Any disturbance on Stumpy Road would require Applicant to obtain a road opening permit from Carneys Point Township
3. Add to the plans that solid waste management will be handled through a private waste hauler
4. Applicant will work with the Board's Planner to add additional buffering/landscaping along and in the area of the subject property adjacent an adjoining residential building lot being Block 250, lot 4

All three bulk variances were approved by the Board as it was determined that the benefits of the proposed development outweigh any potential detriment and granting the variances would not in any way impair the intent or purpose of the zoning ordinance and/or master plan.

Motion was made to open this application to the public for comment. The following were sworn in and spoke:

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Clayton Morris of 72 Route 40 who is concerned that the water will flood the rear of his property and that the creek will continue to get higher and higher.

Robert Brayerton, 20 Layton's Lake Lane, who is the Industrial Commission Chairman and strongly voiced his support for the project

Public portion was closed and Chairman Rullo called for motion to approve.

Motion to approve was made by John Bibeau to grant the application along with bulk variance approvals and submission waiver approvals. Second was made by Charles Newton and roll call vote taken:

Member	Moved	Seconded	Y	N	Abstain	Absent	Conflict
A. Rullo			X				
L. Basile			X				
E. Voyles			X				
C. Newton		X	X				
J. Sassi			X				
M. Lee			X				
F. Cacia			X				
H. Cagle			X				
J. Bibeau	X		X				

There was no Old Business or New Business and no comments from the Township Committee at this time.

Motion was made and second to open meeting to public. Resident Martin Cleary (who was sworn in earlier during the applicants hearing) and resides on Broadway spoke of his dissatisfaction with the Township. He said nothing is done to help the residents (taxpayers) and their taxes continue to get higher and higher and nothing is done by the committees in charge to benefit the residents. It was explained to him that by bringing in new businesses it helps everyone but he still voiced his anger and concerns.

Another resident was sworn in, Teddy Bomba, and wanted to commend the Board for its work.

There were no other comments so motion was made and second to close the meeting to public all approved.



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Motion to Adjourn was made by John Bibeau and second by Larry Basile

Meeting adjourned at 10:10 pm

*Freda Earnest*

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Freda Earnest, Secretary  
6:30 pm to 8:00 pm

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June Proffitt, Acting Secretary  
8 pm to 10:10 pm

Date Approved: