**TOWN OF HACKETTSTOWN**

**LAND USE BOARD REGULAR MEETING**

**JULY 27, 2021**

**MINUTES**

**CALL TO ORDER**

The July 27, 2021 Regular Meeting of the Town of Hackettstown Land Use Board Meeting held via Zoom, was called to order by Chairman Al Camporini at 7:00 PM.

**ANNOUNCEMENT OF PROPER NOTICE**

**ATTENDANCE**

**Board Members Present**

Moore, Becker, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Also Present: Board Engineer Sterbenz, Board Attorney Mennen and Board Planner Bloch

**Board Members Absent**

Sherman, Stout, Lambo

Mr. Sherman entered the meeting at 7:07 PM

**MINUTES**

Mr. Wolfrum made a motion to approve the minutes of the Special Land Use Board Meeting held on June 15, 2021; Mr. Sherman seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony

Oppose: None

Abstain: Becker

Ms. Walling made a motion to approve the minutes of the regular Land Use Board Meeting held on June 22, 2021; Mr. Anthony seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony

Oppose: None

Abstain: Becker

**INFORMAL PRESENTATION**

Lions gate at Musconetcong River, LLC – 301 Mountain Avenue – B125, L9.01

Jennifer Knarich, attorney for Lions Gate, introduced Jay Cooperman, the new Managing Member on behalf of Lions Gate to present the new site plan, which includes splitting the lower building into two rectangular buildings.

Ms. Walling inquired if this would reduce the size of the apartments. Mr. Cooperman replied that that the interior design plans are still in the design phase, so he was unable to answer at this time.

Mr. Sherman inquired if the new third detached building will be an apartment building or a parking garage. Mr. Cooperman stated that all three buildings will be apartment buildings.

Mr. Sterbenz stated that he feels that this proposed plan allows for better traffic circulation and that the buildings have more symmetry to them.

**RESOLUTIONS**

Application #20-12 – Allentown SMSA/All North Hackettstown – B45 L2.01 – Minor Site Plan and Conditional Use Approval

Mr. Stead made a motion to approve the Resolution of Approval; Mr. Wolfrum seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: Becker

Application #21-04 – LCTW, LLC – B129, L16.01 – Site Plan/Bulk Variance

Board Attorney Mennen informed the Board the the applicant asked that this resolution be held until the August 24, 2021 regular Land Use Board meeting and requested to reopen the application proceedings in order to hear a request to amend the location of the sign.

**SECTION 68**

Application #21-07 – Miller – B72 L27 – Section 68

Application was presented by Lewis and Ruth Ann Miller

Mr. Miller informed the Board that he has a has pictures of the existing water service that comes into the building as well as pictures of three separate water meters. Mr. Miller also stated he has a receipt from the HMUA dated October 24, 1968 with evidence showing the billing started in 1969.

Mr. Mennen explained what is needed in order to seek a Section 68 certification.

Mr. and Mrs. Miller agreed to carry this application to the August 24, 2021 regular Land Use Board meeting in order to gather more evidence and get it to the Board members in a timely manner. The Board agreed that no additional notice is required.

**COMPLETENESS**

Application #21-06 – Neuner – B97 L9 – Minor Subdivision/Bulk Variance

Mr. Sterbenz informed the Board that the application remains incomplete at this time and is awaiting the Historic Preservation Commission’s review of the applicant’s impact statement. The Board agreed to carry the application to the August 24, 2021 regular Land Use Board meeting and to require no additional notice.

Application #21-08 – G&G Properties – B44 L9 – Use Variance

Mr. Sterbenz informed the Board that this application has been deemed incomplete and no new information has been provided. The attorney for the applicant informed the Board that he was not aware of the completeness determination and asked that the application be carried and that no new notice be required. The Board agreed to carry the application and not require new notice.

**PUBLIC HEARING**

Application #21-08 – GTI New Jersey, LLC – B95 L4 – Minor Site Plan and Conditional Use Permit

Mr. Sterbenz informed the Board that the applicant is looking to seek Minor Site Plan approval of a conditional use permit to operate a cannabis cultivation and manufacturing facility. Mr. Sterbenz stated that he has deemed this application complete per his report dated July 13, 2021.

Application was presented by Rick Schkolnick on behalf of GTI.

Joseph Basralian, Esquire entered his appearance on behalf of his clients, Commerce 1, 2 and 3.

Mr. Schkolnick stated the following:

* The property is located in an LM Zone
* There is an existing 182 thousand square foot structure built in 2003
* Changes to exterior are relatively modest
* 12 new parking spaces will be added
* A sign and fencing will be installed

William Salmon, PS&S, Wall Township, was sworn in by Board Attorney Mennen.

Mr. Salmon testified as an expert in Civil Engineering.

Mr. Salmon presented Exhibit 1 titled, Existing Conditions Aerial, dated July 27, 2021 showing the following:

* 15 acres on Bilby Road
* The lot is rectangular in shape at 500 feet wide and 1300 feet deep
* There is an existing warehouse on site that is approximately 182 thousand square feet
* There is one main entrance off of Bilby Road
* There are 141 parking existing parking spaces
* There is loading on all three sides of the building

Mr. Salmon presented sheet 1 of the site plan showing the following proposed plans:

* 17 new parking spaces to be added to the west side of the property to accommodate the 150 employees
* Existing parking spaces will be restriped
* Light fixtures will be upgraded to LED light fixtures in the parking area and on the building
* Transformers, generator pads and a C02 tank will be installed on the east side of the property
* The loading areas on the east side and the west side will be closed
* A 4 square foot sign will be installed for street number purposes only
* A ten foot high security fence will be installed along the perimeter of the property
* An automated gate will allow people into the fenced area of the property
* There will be a sally port in the rear of the building
* Security surveillance will be installed
* Lights will be dimmed
* There will be minimal truck traffic
* Noise and odor will be in accordance with State Statutes

Mr. Salmon informed the Board the the approval from the Warren County Planning Board is pending as are the HMUA and DEP approvals. Mr. Salmon also reported that a Highlands exemption was received as well as approval from the Upper Delaware Soil Conservation District.

Mr. Camporini asked if any Board Members had any questions at this time.

No Board Members had any questions at this time.

Mr. Camporini asked if anyone from the public had any questions at this time.

Mr. Basralian inquired what portion of the building will be used for cultivation. Mr. Salmon stated the rear of the building will be used and the front part of the building will be used as office space. Mr. Basralian inquired about the size of the cultivation area, if the cultivation area will be insulated and what the material of the building and roof are.

Mr. Becker left the meeting at 9:00 PM.

John Dejter, Director of the Construction Management and Engineering for the Parent Company, Green Thumb, was sworn in by Board Attorney Mennen.

Mr. Dejter testified as a fact witness on operations. Mr. Dejter presented the overall architectural floor plan A101 dated May 14, 2021 and testified to the following:

* A second story mezzanine will be built onto the building
* First floor will be where employees and visitors check in and cafeteria area, locker room and office space will be located.
* Second floor will be used as additional office space.
* Showed the rooms and areas of where the breakdown processes will take place
* All manufacturing will take place within the limits of the structure
* Hours of operation will be from 8AM to 5PM Monday through Friday with select cultivation employees working on Saturday and Sunday.
* There will be approximately 100 employees working on the production and manufacturing floor and approximately 50 office employees
* Employees will be hired locally
* There will be approximately two to three incoming deliveries per day by tractor trailer
* Outgoing deliveries will be done by vans that are unmarked and secured

Mr. Dejter testified to the following regarding the security of the site:

* A security surveillance system will be installed within the interior and exterior of the building with storage up to 30 days.
* The applicant will coordinate with the local Police Department, Fire Department and EMS Services to make sure they aware of the day to day operations and have access to the site
* An on site emergency generator will be installed

Mr. Dejter testified to the following regarding odors:

* Charcoal odor mitigation system and recirculating air systems will be installed
* Each room has dedicated centralized air handling systems
* Odor mitigation system has phased gas chambers within the system that filter odors
* Rooms are sealed and are constructed with metal panels
* A building automation system will be used to monitor equipment
* Filters are changed routinely

Mr. Dejter testified to the following regarding noise and garbage:

* Noise will be according to the State statute and will be within the 65 decibel requirement
* There will be condenser fans located on the rooftop of the building
* There will be a local service contract for disposal of waste
* Soils and byproduct will be in fully enclosed separate containers
* No plant materials will be disposed of outside the limits of the building

Mr. Dejter confirmed there will be no consumption in or around the facility.

Mr. Camporini asked if the Board members had any questions at this time.

Mr. Camporini asked if this is soil driven growth. Mr. Dejter stated this is soil driven growth. Mr. Camporini inquired about maintenance. Mr. Dejter stated there will be 5 to 6 maintenance people on the site. Mr. Camporini inquired about the power consumption of the grow lights. Mr. Dejter stated they lights are high efficiency LED fixtures and are energy efficient. Mr. Camporini inquired about what happens to the plant products, e.g., stems and leaves. Mr. Dejter stated the stems and leaves are ground up, broken down and put into the regular garbage.

Mr. Camporini asked if anyone from the public would like to speak at this time.

Mr. Basralian inquired about the following:

* what facilities operate in the Northeast, the size of the back area where the growing rooms are located
* how many plants will be cultivated
* how the air will be brought in and exhausted from the planting area
* if the grow rooms are air conditioned
* if there are odor complaints if the applicant is willing to update the odor control system and what the plan would be to rectify an odor complaint

Paul Josephson, appearing on behalf of Green Thumb Industries, addressed Mr. Basralian’s concerns to odor by referring to the Section 11 of the Hackettstown ordinance stating that if there is a valid odor complaint, that the municipality will seek to abate the nuisance.

Mr. Sherman inquired about the technology used for vapor phased control and carbon system and how effective the systems are.

Mr. Camporini asked if anyone from the public had any questions at this time.

No one from the public had any questions at this time.

Mr. Sterbenz referred to the section in the LDO that regulates odors.

Mr. Bloch stated that there is odor control for all uses as well as in the LM Zone.

Michael Petry was sworn in by Board Attorney Mennen to testify as a Professional Planner.

Mr. Petry testified regarding the parking variance and the need to increase the required number of parking spaces from 311 spaces to 320 spaces.

Mr. Camporini asked if any of the Board members had any questions at this time.

Mr. Bloch inquired if 150 parking spaces is an adequate number of spaces if there are additional shifts.

Mr. Camporini asked if anyone from the public had any questions at this time.

No one from the public had any questions at this time.

Mr. Sterbenz stated that all conditions in his report have been met. Mr. Bloch also agreed that all conditions have been met.

Mr. Basralian gave his closing statement stating that his client is adjacent to this property and is concerned about the odor and if there is an odor beyond the property line, the need for it to be abated.

Mr. Sherman made a motion to approve the Conditional Use Permit, the reaffirmation of the parking variance based on the C1 and C2 criteria and the minor site plan with the conditions that the applicant meet with all government officials necessary for security purposes, to provide contact information to Mr. Basralian or his client in order to have an open line of communication, compliance with the review letter issued by Paul Sterbenz and Daniel Bloch and that the applicant will continue to use the best available control technology for odor and volatile organic compounds. Mr. Wolfrum seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

**DISCUSSION**

Ordinance #2021-09 – AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AND PERMITTING THE OPERATION OF CLASS 5 CANNABIS RETAIL BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES.

Mr. Moore made a motion to deem this ordinance to be not inconsistent with the Master Plan with the suggestion of looking into correcting the inconsistencies in Section 407 A, #25 indicating “There shall be a maximum of one (1) alternative treatment center within the Town of Hackettstown, in either the HC or CC Zone” and letter (P(f))- Retail Sales of Cannabis-indicating “There shall be a maximum of one (1) cannabis retail facility in each of the CC and HC Zone Districts. Mr. Anthony seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

There being no further business, Mr. Moore made a motion to adjourn this meeting at 10:23 PM. Mr. Anthony seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Board Clerk