

MAY 17, 2023

The regular meeting of the Newton Planning Board was held at the Town Hall and via the web base platform Zoom on May 17, 2023. Chairman LeFrois called the meeting to order at 7:03 pm. Chairman LeFrois stated that proper notice had been given for this meeting in accordance with the “Open Public Meetings Act.”

Chairman LeFrois led the Salute to the flag.

OATH OF OFFICE

Board Attorney Kienz swore in Mr. Schlawfer as an alternate member to the Planning Board.

ROLL CALL

Deputy Mayor Couce - present	Mr. Flaherty – present
Ms. Hall-Romer – present	Mr. Marion – present
Mr. Russo, Jr. – present	Mayor Teets – present
Ms. Vrahnos – present	Mr. Wink – present
Mr. Ragsdale, Alternate #1 - present	Mr. Schick, Alternate #2 – present
Jason Schlawfer, Alternate #3 – present	
Chairman Le Frois – present	

Also present: Glenn Kienz, Board Attorney, Paul Ferrerio, Conflict Board Engineer, Spach Trahan Conflict Planner, and Kerry Brown, Board Secretary

Mr. Kienz swore in Ms. Trahan and Mr. Ferrerio for the year.

RULES

Chairman LeFrois read the rules of the Newton Planning Board.

MINUTES

Ms. Vrahnos made a motion to adopt the April 19, 2023 minutes. Mr. Marion seconded the motion.

AYE: Mr. Flaherty, Mr. Marion, Mr. Russo, Mayor Teets, Ms. Vrahnos, Mr. Wink, Mr. Ragsdale, Mr. Schick, and Chairman Le Frois

HISTORIC RESOLUTIONS

No Historic Resolutions were presented.

RESOLUTIONS

RELEASE NEWTON LLC PB-2-2023

78 Mill Street, Block 2.02, Lot 16, Zone T-4

Preliminary and Final Site Plan application for cannabis retail.

Ms. Vrahnos made a motion to approve the resolution as presented. Mr. Marion seconded the motion.

AYE: Mr. Flaherty, Mr. Marion, Mr. Russo, Mayor Teets, Ms. Vrahnos, Mr. Wink, Mr. Ragsdale, Mr. Schick, and Chairman Le Frois

OLD BUSINESS

There was no old business to discuss at this time.

NEW BUSINESS

Curiosity Cannabis, LLC PB-3-2023

70-72 Mill Street, Block 2.02, Lot 17, Zone T-4

Preliminary and Final Site Plan application for cannabis retail.

Richard Valenti, Attorney for applicant

Nicole Hughes, Owner of Curiosity Cannabis

Perry Maio, Owner of Curiosity Cannabis

Alexzander Fields, Cannabis Consultant

Thomas Graham, Engineer for the applicant

Geoffrey Crawley, Planner for the applicant

Mr. Valenti provided the Board with a background of the property and past uses, most recently being a gas station. Mr. Valenti stated that the proposed design for the building will mimic the original building. Mr. Valenti stated that his client is seeking conditional use, preliminary and final site plan approval and minor variance relief were necessary.

Ms. Hughes testified that she did extensive historical research on the site and learned the original building was constructed in 1937 as a former gas station and barber shop. Ms. Hughes presented a series of pictures and a replica model of the original building, which primarily consisted of a white facade with a green painted ribbon along the *façade*. Ms. Hughes provided four (4) historic photos and stated she would like to duplicate the original building.

Mr. Graham provided testimony regarding the proposed site plan and improvements to be made. Mr. Graham indicated the parcel consisted of 14,388 square feet and is located at the intersection of Mill Street where it has 165.38 feet of frontage and approximately 44 feet of frontage on the north side along Hillside Terrace. Mr. Graham stated the parcel currently contains two (2) attached 1-story structures which are presently vacant. Mr. Graham testified that the improvements would result in reducing impervious coverage by approximately 2,600 square feet. Mr. Graham testified the application required 10.7 parking spaces and the applicant would be providing ten (10) spaces. Mr. Graham stated they would be providing one (1) EV spot, which will give them credit for one (1) space.

Mr. Graham detailed the proposed fence and agreed to coordinate fencing with the adjoining property. Mr. Graham explained to the Board that the existing free-standing sign will be replaced, and no changes are being presented. Mr. Graham discussed the proposed 32 square foot building-mounted non-illuminated sign. Mr. Graham testified a 30-foot-wide driveway width is required and that due to the Morris Brook, the applicant is proposing a 24-foot-wide driveway. He also stated the applicant would install bollards to protect the building.

Mr. Graham testified that the applicant agreed to relocate the dumpster and install a smaller one than originally proposed. Mr. Graham indicated the parking area will be entirely fenced and security guards will be on-site from 9:00 a.m. to 9:00 p.m.

Mr. Graham indicated that the applicant had entered into an agreement with a nearby property owner to have additional off-site parking available for employee use even though the applicant met the parking requirements. There was a discussion amongst the Board members, and it was decided that the applicant would install 2 parking spaces for online ordering.

Mr. Graham requested permission to occupy the site prior to the County taking any action on the final installation of the driveway. He also testified there was insufficient room for the driveway to get to the back of the Subject Property while still conforming to buffer requirements. As pointed out by the Board Planner and as testified to by Mr. Graham, the only conditional use items which needed testimony at the hearing were the hours of operation, ensuring that no loitering would take place on site and that no product consumption would take place on site which was adequately testified to by the Applicant.

Mr. Crowley testified to the interior layout. Mr. Crowley stated emergency access was not required but they had limited the ways of accessing the building. Mr. Crowley testified that a restroom had been provided in the waiting room to meet the needs of their customers. Mr. Crowley also reviewed the color scheme for the building and agreed to provide an architectural rendering with colors and materials which would be the basis for improvements to the site.

Chairman Le Frois opened the public portion.

Mr. John Williams, attorney for Releaf Newton, LLC

Mr. Williams stated that this application is for a cannabis retail store that is 2,300 sq ft and has 10 parking spaces compared to his client's store which is 1000 sq ft and has 23 parking spaces. Mr. Williams stated the access width is less than required and would make parking on the site difficult and in return promote parking elsewhere, especially on his client's property. Mr. Williams requested if the Board should approve the application, that Curiosity Cannabis notify all their customers that they are not to park in his clients (Releaf Newton) parking lot.

Mr. Williams stated that he met with the Chief of Police on his client's application and that security, loitering, and pedestrian traffic were a major concern. Mr. Williams feels that the lack of parking and employees parking elsewhere will add to pedestrian traffic and loitering. Mr. Williams is requesting that the same concerns and requirements be applied to this application.

Mr. Williams was informed that his three minutes were up.

Mr. Valenti informed the Board that he and Mr. Williams had an agreement with respect to their two applications and that they agreed not to interfere with each other's applications. Mr. Valenti stated that he in fact did not interfere with Mr. William's application and no Mr. William's is going against the agreement.

Mr. Keinz informed the public members on Zoom, they would need to turn on their video to be seen by the Board members in order to testify.

Paul Card, 37 Meadow Pond Road, Hamburg, NJ

Mr. Card questioned how the applicant was going to mitigate parking and traffic with only 10 spaces. Mr. Card stated he travels the road frequently and has concerns.

Mr. Card's turned off his camera and was muted. Chairman Le Frois asked Mr. Card to unmute and to restart his camera.

Board Engineer, Paul Ferriero, reiterated that the applicant meets all the parking requirements, and they are not seeking any parking variances.

Kerri Lorencovitz, 2 Vail Court, Unit 3, Vernon, NJ

Ms. Lorencovitz employed with SCARC, Augusta, NJ

Ms. Lorencovitz stated she has several day programs and group homes in the vicinity.

Ms. Lorencovitz stated she has concerns about traffic and parking at this location. Ms.

Lorencovitz stated that cars will be lining up on the street waiting for parking spaces. Ms.

Lorencovitz also informed the Board that the application for the property next door has adequate parking, and that the Town does not need two cannabis locations next door to each other.

Mr. Keinz stated that the applicant is not seeking relief from parking.

Mr. Valenti asked if Ms. Lorencovitz was appearing on behalf of SCARC. Ms. Lorencovitz stated she was not appearing on SCARC's behalf.

Mr. Crowley, Architect for the applicant, reiterated that the waiting room is 490 square feet, and the sales room is 465 square feet. Mr. Crowley stated the waiting room area is in fact larger than the sales room and there is plenty of room to wait and not to loiter.

Public portion was closed.

Mr. Keinz summarized the relief and waivers the applicant was seeking this evening for a resolution should the Board decide to approve the application.

Motion to approve the application was made by Ms. Vrahnos and seconded by Mr. Russo.

AYE: Deputy Mayor Couse, Mr. Flaherty, Ms. Hall-Romer, Mr. Russo, Mayor Teets, Ms. Vrahnos, Mr. Wink, and Chairman Le Frois

NAY: Mr. Marion

Application approved.

At this time, Chairman Le Frois stated that there was a member of the public raising their hand trying to get on via Zoom and informed the Board that the public would be given a chance to speak.

Dylan Faner, Releaf Newton, 78 Mill Street

Mr. Faner stated that he was trying to testify but was not given access via Zoom.

Mr. Faner informed the Board of a turning radius of an ambulance and stated that the ambulance would not be able to access the rear of the property.

Mr. Faner congratulated Curiosity Cannabis on their approval.

Mr. Russo informed the Board that Mr. Faner did not seek permission during the open public session and that it was recorded via zoom for the record.

Town of Newton

39 Trinity Street, Block 10.01, Lot 13, Zone T-5

Installation of perimeter fence for Town Hall

Mr. Keinz, Board Attorney, stated for the record, the proposed project fell under NJMLUL N.J.S.A. 40:55D-31 Capital Improvement Program. Mr. Keinz indicated the Town would be installing a fence around the perimeter of the property for security purposes. Chairman Le Frois asked if the Town would be installing a mowing pad to help with maintenance issues. Mr. Russo informed the Board, the Town would look into the mowing pad and if it could be installed. The Board indicated that the proposed project was consistent with the Town of Newton's Master Plan.

Motion to find the installation of proposed fence consistent with the Master Plan was made by Mr. Marion and seconded by Ms. Vrahnos.

AYE: Deputy Mayor Couce, Mr. Flaherty, Ms. Hall-Romer, Mr. Marion, Mr. Russo, Mayor Teets, Ms. Vrahnos, Mr. Wink, and Chairman Le Frois.

CORRESPONDENCE

There was no correspondence to be discussed.

PUBLIC PORTION

Chairman LeFrois opened to the public. At this time no one from the public came forward. Public portion of the meeting was closed.

EXECUTIVE SESSION

Chairman LeFrois stated that there were no items scheduled for executive session.

Motion to adjourn the meeting was made by Mr. Marion and seconded by Ms. Vrahnos. All in favor. The meeting was adjourned at 9:28 p.m.

Respectfully submitted,
Kerry Brown
Planning Board Secretary