

## **APRIL 19, 2023**

The regular meeting of the Newton Planning Board was held at the Town Hall and via the web base platform Zoom on April 19, 2023. Chairman LeFrois called the meeting to order at 7:01 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**

Oath of Office was tabled at this time due to Mr. Schlaffer not being in attendance.

## **ROLL CALL**

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

Also present: Glenn Kienz, Board Attorney, Jessica Caldwell, Board Planner, David Simmons, Board Engineer and Kerry Brown, Board Secretary

Mr. Kienz swore in Mr. Simmons for the year.

## **RULES**

Chairman LeFrois read the rules of the Newton Planning Board.

## **MINUTES**

Mr. Marion made a motion to adopt the January 18, 2023 minutes. Ms. Vrahnos seconded the motion.

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

Mr. Ragsdale made a motion to adopt the March 15, 2023 minutes. Mr. Flaherty seconded the motion.

AYE: Deputy Mayor Couce, Mr. Flaherty, Mr. Ragsdale, Mr. Russo, Mayor Teets, Ms. Vrahnos, Mr. Wink, Chairman Le Frois

## **HISTORIC RESOLUTIONS**

No Historic Resolutions were presented.

## **RESOLUTIONS**

No Resolutions were presented.

## **NEW BUSINESS**

### **RELEAF 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.

Deputy Mayor Couce recused himself from the application.

Mr. John William, Attorney for applicant

Dylan Faner, Applicant

Joseph Golden, Engineer

Jessie Moore, Architect

Brian Sickora, Cannabis consultant

Mr. Williams stated his client is before the Planning Board for preliminary and final major site plan approval, conditional use approval and bulk variance relief for a Class 5 Retailer License for the retail sale of cannabis products. Mr. Sickora stated that he believes between 125 and 150 people would visit the facility daily.

Mr. Sickora testified he has managed various cannabis centers and dispensaries in numerous locations and most recently helped establish a dispensary in Egg Harbor Township near Atlantic City, New Jersey. Mr. Sickora stated he implemented and designed the internal operation system and security. Mr. Sickora detailed the security at the site, including a camera system and a mantrap in the vestibule area. Mr. Sickora stated that the goal is to ensure that the product kept on site will be constantly on camera. Mr. Sickora informed the Board that the State of New Jersey requires that there is continuous access to all security cameras.

Mr. Golden went over the exhibits which were submitted as part of the application. The Exhibits presented at the hearing were A-1 (Area Map), A-2 (Zoning Map & Key Map), A-3 (Conditional Use Standards), A-4 (List of Waivers), A-5 (Site Plan), A-6 (Internal Layout, Access and Security), A-7 (Front Façade).

Mr. Golden stated the dispensary was modest in size and that in reviewing the conditions of the conditional use testified that all of them were satisfied by the Applicant. Mr. Golden detailed the list of waivers the applicant was seeking. Mr. Golden detailed the variances being sought. It was determined that the applicant/structure pre-dated the 2-story requirement by at least 40 years. Mr. Golden stated the applicant would be seeking a sign variance as well. Mr. Golden stated that given the building's layout, numerous pre-existing, nonconforming variances existed. Mr. Golden indicated it was his opinion that these pre-existing conditions while nonconforming did not create any negative impacts upon the zone plan or zone scheme and that the benefits of undertaking an adaptive reuse of the property in this instance significantly

outweighed any detriments. Mr. Golden stated the applicant will comply with Mr. Simmons' report and Ms. Caldwell Dykstra's report.

Mr. Moore testified the floor plan had be designed in conjunction with Brian Sickora. Mr. Moore stated the outside of the building would be repainted to upgrade and modernize it.

Mr. Simmons went over his report dated April 13, 2023. Mr. Simmons stated the Applicant met the light standards for the property. Mr. Simmons stated the aisle width is only 20 feet instead of 24 feet as required by Ordinance but that given the location of the parking spaces in this vicinity, these spaces could be designated for employee parking only. Mr. Simmons suggested that on the north side of the parcel an Agreement be entered into with the adjoining property owner to allow the location of a fence on the common property line or some modification in accordance with his recommendations to cordon off this parcel. Mr. Simmons also suggested that no glare should emanate from the lighted signs and should be subject to his final review and approval, no public address system be placed at the facility; the hours of lighting in the parking lot be limited to from dusk to 9:30 p.m.; the landscaping be modified and new plans submitted subject to his final review and approval; the dumpster area not only be fenced but include a top and bottom rail and that other agency reports to be obtained. Mr. Simmons stated the applicant would be installing a back-up power system in the event of power failure.

Ms. Caldwell Dykstra went over her report dated April 10, 2023. Dykstra indicated that most of her comments had been addressed. Ms. Caldwell Dykstra made notice of the fact that this was improving a long-dilapidated site. Ms. Caldwell Dykstra stated she agreed that variance relief was in fact needed for the signage but felt that what was being proposed in fact was appropriate.

The meeting was opened to the public. No one from the public came forward.

Mr. Kienz stated that the applicant is before the Board requesting preliminary and final site plan and conditional use approval along with ancillary "c" variance relief to permit a cannabis dispensary. Mr. Kienz stated the applicant is also subject to numerous New Jersey requirements along with numerous standards.

Mr. Russo made a motion to approve the application. Mr. Ragsdale seconded the motion.

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

Application RELEAF NEWTON LLC PB-2-2023 78 Mill Street approved.

Chairman Le Frois read the resolution appointing Jason Schlaffer as an Alternate Member of the Newton Planning Board.

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

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

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

Respectfully submitted,  
Kerry Brown  
Planning Board Secretary