

REGULAR MEETING OF THE EATONTOWN PLANNING BOARD
May 15, 2023

Call to Order

Mr. Woloshin called this in-person meeting to order at 7:00 p.m. and announced that the meeting had been advertised in accordance with the Open Public Meetings Act and that the Asbury Park Press and the Star Ledger have been notified and a copy of the agenda for this meeting had been posted on the bulletin board in Borough Hall and on the Borough website.

Roll Call

Members Present:

Chairman Woloshin
Vice-Chairperson Silva
Councilmember East
Mr. Diedrichsen
Mayor Talerico
Barry Roth
Deborah Martinock

Absent: Mr. Regan, Mr. Alcott

Also present: Atty. Marc Leckstein; Board Planner, Jennifer Beahm, Board Engineer Ed Herrman Colleen Matthews, Board Secretary

Approval of Minutes

Motion is made by Vice-Chair Silva and seconded by Mr. Diedrichsen to approve the minutes of April 17, 2023.

Ayes: Vice-Chair Silva, Mr. Diedrichsen, Ms. East, Mayor Talerico, Barry Roth, Ms. Martinock

Nays: None

Abstention: Chairman Woloshin

Absent: Mr. Regan, Mr. Alcott

Correspondence

Review of Ordinance 14-2023

An Ordinance of the Borough of Eatontown Concerning Tree Removal and Amending Chapter 89 Article 1 Section 3 and Chapter 307 Articles I and II

Mayor Talerico states that this is an ordinance that the Borough introduced at the last council meeting concerning tree removal. The Borough has three or four sections of the Code concerning tree removal. This ordinance encompasses all of the sections of the Code into one streamlined ordinance.

The Board Planner makes a recommendation to the Board that this ordinance is substantially consistent with the Borough's Master Plan.

Mayor Talerco makes a motion and is seconded by Councilmember East, that this ordinance is substantially consistent with the Borough's Master Plan and that the Borough Council will be notified of the Planning Board's findings.

Ayes: Mayor Talerico, Councilmember East, Chairman Woloshin, Vice-Chair Silva, Mr. Diedrichsen, Mr. Roth, Ms. Martinock

Nays: None

Absent: Mr. Regan, Mr. Alcott

Resolution to be Memorialized

None

New Business

PB 2023-02

Rita A. Ruggieri

Harvest Works Farm Corporation

Block 3505 Lot 5

Industrial Way West

Proposal for Class I Cannabis Cultivator; variance relief; conditional Use; Preliminary and Final major sit plan application

John Anderston, Esq., states that he is representing the applicant, Rita Ruggieri, in this application.

Bernard Reilly, Esq., states that he is the attorney for Motion Systems Inc., and its subsidiary corporations: 608 Industrial Way West, LLC; 600 Industrial Way West, LLC; 612 Industrial Way West, LLC., which are the three buildings adjacent to the subject property. Atty. Reilly states he has a notice and jurisdictional issue. Atty. Leckstein says that the notice is adequate and whether or not there are jurisdictional issues, they will come out during the course of testimony.

Atty. Leckstein marks the following exhibits:

A-1 Application

A-2 Preliminary and Final Site Plan

A-3 Site Plan Color Rendering

A-4 Turning Movement Plan

A-5 Boundary and Topographic Survey

A-6 Aerial of the Site

A-7 Architectural Plans

A-8 Architectural Renderings

A-9 Drainage System Design Report

A-10 Groundwater Mounding Analysis Report

A-11 Kingspan Specs (4 pages)

B-1 T&M Review Letter

B-2 Avakian Review Letter

B-3 Environmental Commission Review Letter

B-4 Fire Official Review Letter

B-5 Shade Tree Commission Review Letter

B-6 Traffic Safety Officer Review Letter

Atty. Anderson reviews the application and states that this parcel is a .78 acre wooded lot in the shape of a triangle. The applicant is seeking preliminary and final site plan approval, three bulk variances that have to do with the Route 18

frontage; refuse enclosure and retaining wall and a side yard setback variance pertaining to the properties owned by Mr. Rielly's clients and a conditional use permit.

The conditional use is discussed and the criteria that makes it a conditional use, as opposed to a use variance. Hours of operation proposed are Monday through Friday 9:00 a.m. – 10:00 p.m. and Saturday 11:00 – 3:00 p.m. Sunday hours are not proposed at this time. This location is generally approved for a Class I cannabis cultivator.

Atty. Anderson states that this lot may be entitled to an exemption involving undersized lots of record. This would excuse the applicant from obtaining a lot area or a lot frontage variance. In order for this lot to be exempt, it has to pre-date the Borough ordinance. Atty. Anderson states that the lot was created in 1968 and the Borough ordinance did not come into effect until 1979. The applicant does not own any adjacent land. Atty Anderson continues to discuss other factors that he believes contribute to being granted an exemption.

Atty. Reilly makes an objection. Atty. Reilly objects the property being entitled to an exemption. Atty. Reilly states that had this lot gone before a Planning Board process and was approved to be useable for a particular use, it would be grandfathered in. If the town, at some point, changes the parameters, such as frontage, or size of the lot required, This lot came about in the late 1960's, as a remnant, when Route 18 was constructed. This land was a leftover remnant of the highway being constructed. This land was not approved by a Planning Board as a developable lot.

Atty. Leckstein states that he would like both Atty. Anderson and Atty. Reilly to submit briefs before the next hearing so that he could review the arguments.

Rita Ruggieri, owner, is sworn in by Atty. Leckstein. Ms. Ruggieri reviews her background and certifications regarding growing and manufacturing cannabis. Ms. Ruggieri states that she is proposing cannabis cultivation only on the site. Ms. Ruggieri testifies to her hours of operation and that there are no hours proposed on Sunday. There will only be a security officer on location after hours. She is proposing two shifts and each shift will have 8 employees, plus a manager and security personnel. The facility will not be open to the public. Supply deliveries would be twice per week and waste pick up would be once per week; plant waste pick up would be once per week. The harvest will leave the premises once per month.

Ms. Ruggieri reviews the growing process from 6 inch seedlings until they are dried at maturity, at approximately 36 inches. The process takes approximately 5-6 weeks. Ms. Ruggieri states that there is a solar rooftop generator proposed. Ms. Ruggieri also states that there will be no outside odors and she is installing top-of-the-line filtration systems in the building.

The Board Planner's memo is reviewed. The masonry waste container enclosure is agreed upon. A make-ready ev space will be installed in the parking lot.

With regard to signage, Ms. Ruggieri does not wish to put the name of the company on the building but would have the address numbers on the building and entrance and exit signs. Ms. Ruggieri agrees to install a bike rack.

Ms. Ruggieri reviews the stacked growing process.

Chairman Woloshin asks if there is any public in attendance that wish to make a comment or ask a question as to what has been testified to thus far. None heard.

Atty. Reilly asks for details about Ms. Ruggieri's training regarding growing cannabis and work experience. Atty. Reilly asks how she acquired this property. He asks further questions about how much product is anticipated being grown in the facility. He asks questions about the entire growing process and what the end product is and selling of that product.

Break taken from 8:40 p.m. – 8:47 p.m.

Roll call is taken to confirm all Board members have returned except for Mr. Regan and Mr. Alcott, who are absent this evening.

Chairman Woloshin, Vice-Chair Silva, Councilmember East, Mr. Diedrichsen, Mayor Talerico, Mr. Roth and Ms. Martinock are present.

Atty. Anderson asks Atty. Reilly to elaborate on why he thinks it is a 24 hour operation and he decides, after questioning, he is leaning towards it not being a 24 hr. operation.

The applicant's architect, Daniel Roma, is brought before the Board and is accepted as an expert. Elevations, exterior of the property, what is being proposed for the site are reviewed. Reviews the floor plan. Reviews the Kingspan panels that are proposed for the building. Planner Beahm recommends that the blank walls on all four sides be addressed and that the color palette be neutral and not stand out.

Chairman Woloshin asks if there are any public in attendance that wish to make a comment or ask a question. None heard.

John Buletza, Engineer and Planner, is accepted as an expert by the Board. Mr. Buletza reviews the property and the variances and waivers proposed. The 16 space parking lot, drive aisle, turning radius is discussed. The building envelope is discussed in that if the setbacks were followed, there would be no building envelope at all, which is why the variances are requested. The lighting plan is discussed and the request for a brighter security lighting.

Break is taken from 9:53 p.m. until 9:56. Atty. Leckstein states for the record that all Planning Board members that were in attendance prior to the break are back in attendance.

The lighting waiver is further discussed and further details are asked to be brought to the next meeting.

Landscaping is discussed and will be compliant with the Shade Tree recommendations and with all Boro ordinances.

Motion is made by Mr. Roth and seconded by Councilmember East to carry this application to June 19, 2023, no new notice required.

Ayes: Mr. Roth, CM East, Ch. Woloshin, VC Silva, Mr. Diedrichsen, Mayor Talerico, Ms. Martinock

Nays: None

Absent: Mr. Regan, Mr. Alcott

7. Correspondence

None

Miscellaneous

Adjournment

Motion is made at 10:15 p.m. to close the meeting by Vice-Chair Silva and seconded by Councilmember East All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary