Netcong Borough Planning Board
23 Maple Ave
Netcong, NJ 07857
973-347-0252
973-347-3020 (fax)

Meeting Minutes
April 22, 2024

CALL TO ORDER:
Mrs. Vervaet called the meeting to order at 7:30pm.

FLAG SALUTE:
Mrs. Vervaet led everyone in a flag salute.

OPEN PUBLIC MEETING ACT NOTICE:
The Board Secretary read the following into the record:

Adequate notice of this meeting as defined by the "Open Public Meetings Act" has been provided by posting a notice of said meeting in the space provided for such announcements at the Borough Hall on January 23, 2024, publishing a notice in the Daily Record, the official newspaper of the Borough on January 29, 2024, and filing a notice with the Clerk of the Borough of Netcong on January 23, 2024.

ROLL CALL:
Elmer Still, Mayor – Present
Wayne Anthony – Absent
Joseph Albensi – Absent
David Benson – Present
Frank Cautero – Absent
Jerry Stevens – Absent
Ben Dellamo – Present
Kelly Stephens – Present
Brian Shubert – Present
Brett Conrads - Present
Theresa Vervaet – Present

ALSO PRESENT:
Richard Brigliadoro, Esq.
Erica Vigliorolo, PE
Stephanie Pizzulo, Secretary

MINUTES: March 25, 2024
A motion to approve the minutes of the March 25, 2024, meeting was made by Mayor Still and seconded by Ms. Stephens. Roll Call: Elmer Still – yes, David Benson – yes, Ben Dellamo – yes, Kelly Stephens – yes, Brian Shubert – yes, Brett Conrads – yes, Theresa Vervaet – yes. Motion carried.

CORRESPONDENCE:
1.) From: Ralph Blakeslee, Administrator
Re: April Monthly Report

2.) From: Morris County Planning Board
Re: Exemption Notice – Pellegrino Polo, B: 40, L: 9.01

A motion to accept the correspondence was made by Mr. Benson and seconded by Ms. Stephens. Roll Call: Elmer Still – yes, David Benson – yes, Ben Dellamo – yes, Kelly Stephens – yes, Brian Shubert – yes, Brett Conrads – yes, Theresa Vervaet – yes. Motion carried.

RESOLUTIONS:
1.) Prism Holdings, LLC B: 18 L: 4 Application # 24-01
Conforming conditional use for a billboard.

A motion to approve the resolution in the matter of Prism Holdings, LLC was made by Mayor Still and seconded by Mr. Benson. Roll Call: Elmer Still – yes, David Benson – yes, Kelly Stephens – yes, Brett Conrads – yes, Theresa Vervaet – yes. Motion carried.

ORDINANCES: None.

HEARINGS:
1.) Polo, Pellegrino B: 40 L: 9.01 Application # 24-02
The Applicant acquired from Roxbury Township a portion of Lot 10 in Block 9401 which is immediately adjacent to the property it owns in Netcong, known as Lot 9.01 in Block 40. The newly acquired land will enable the Applicant to enlarge the parking lot which currently serves "Polo's" Restaurant.

Mr. Michael Selvaggi, Esq. was representing the applicant. He gave a brief history of the project and said Mr. Polo was before the Board in 2021 with a use variance and then was before the Board last year with an amendment to the site plan to enlarge the patio area. At that time there was a proposed land swap with Roxbury Township in the works which would allow for an increase in the size of the parking lot. He said the lots have been merged to allow for a total of 58 parking spaces, which would allow for an increase in the interior seating capacity.

Mr. Brigliadoro swore in Mr. Patrick Mc Clellan, PE. Mr. Mc Clellan gave his qualifications which were accepted by the Board.

Mr. Mc Clellan explained sheet three of the plan set. He said the property annexed from Roxbury Township had increased the subject property by about 11,000 square feet which allows for the parking area to be further expanded on the east side of the property. He said the previously approved application had a requirement of 40 parking spaces and with this application they had a requirement of 58 parking spaces. The architectural plans have been updated to show 150 seats in the restaurant and 16 bar seats. Mr. Salvaggi said the revision yields 59 spaces; 10 employee spaces, 47 customer parking spaces and two EV make ready spaces which gives them a credit of two spaces for a total of 57 physical parking spaces. He said there is a slight increase in impervious coverage with an additional 5,000 square feet of pavement, however; because of the additional 11,000 square feet of property, the percentage goes down.

Mr. Selvaggi presented the revised architectural plans by Lyons McConnell, LLC entitled "Proposed Floor Plan Occupancy Diagram" with a date of 4.22.24, showing the seating capacity in connection with the increased parking spaces which was marked and entered as exhibit A-1. Mr. Selvaggi said the plans show that the interior space can accommodate extra patrons by virtue of the increase in the parking. Mr. Mc Clellan went over the parking to seating ratio. He indicated the two make ready spaces on the plan.

Mr. Dellamo asked about the difference between the 150 people (seating) and the occupancy load of 331. Mr. Mc Clellan said the occupancy load is the fire code with the number of people that could fit into the building.

Mr. Selvaggi said the prior approval had a time limit of June 15, 2024, to have the parking area paved. He requested that date be moved back to August 1, 2024.

Mr. Mc Clellan went through the Board Engineer's report. He addressed the concern about stormwater run-off and said they are providing some green space between the two parking lots and indicated what areas would be left in a natural state.

Mr. Mc Clellan submitted sheet 1 of 1 entitled "Layout Exhibit for 140 Ledgewood Avenue" which was signed and dated 4.22.24 and shows a widened access aisle which was marked and entered as exhibit A-2. He said they would increase the rear parking aisle from 18 to 24 feet in accordance with the Board Engineer's report. He indicated a section of the aisle that would not be able to be increased and said they would make it a one way which would eliminate the concern for two-way traffic in the aisle. He said that would not increase the number of parking spaces or the green space they are providing. He explained the traffic flow to the Board. He indicated where two-way traffic could occur on site.

Ms. Vigliorolo asked if there would be additional signage to make sure nobody drove down the wrong way to which Mr. Mc Clellan said yes.

Mr. Mc Clellan said they were not proposing curbing because it makes it easier for plowing maintenance and the curbing keeps water from getting into the green areas. Mr. Mc Clellan explained the turning movements near the dumpster area and said refuse removal happens during off-peak hours.

With no questions from the Board, Mrs. Vervaet opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Ms. Vigliorolo asked about the green infrastructure to which Mr. Selvaggi said the Applicant's Engineer would work with the Board Engineer on that issue.

Mr. Brigliadoro went over the requested variances. There was a discussion on the impervious coverage. Mr. Mc Clellan went over the requested waivers.

Mr. Conrads asked for clarification on the seating to parking ratio to which Mr. Mc Clellan explained the ratio to the Board. Ms. Vigliorolo asked for the details for the make ready spaces to which Mr. Mc Clellan said he would supply to the Board. Ms. Vigliorolo asked for a turning template to which Mr. Mc Clellan said he would provide that.

Mrs. Vervaet opened the meeting to the public for comments or testimony. With nobody coming forward, the meeting was closed to the public.

Mr. Brigliadoro said the applicant is seeking preliminary and final site plan approval and two variances which are a pre-existing nonconformity for front yard setback and a slight increase in impervious coverage. He said the conditions were that the paving deadline was pushed back to August 1, 2024, the landscaping would be subject to the Board Engineer's review and approval, a turning template in regard to access to the dumpster area would be provided and the make ready spaces would be marked.

A motion to approve the application was made by Mr. Dellamo and seconded by Ms. Stephens. Roll Call: Elmer Still – yes, Kelly Stephens – yes, David Benson – yes, Ben Dellamo – yes, Brian Shubert – yes, Brett Conrads – yes, Theresa Vervaet – yes. Motion carried.

2.) Bud-2-Bloom B: 42 L: 5 Application # 24-03

The Applicant seeks conditional use for a cannabis retail operation in one of the three retail units which is currently vacant.

Mr. Ben Dellamo stepped down from the Board and left the dais for this matter.

Mr. Robert Greenbaum, Esq. was representing the applicant. He said they were seeking a conditional use approval. He said Netcong Borough's Governing Body has already determined it would allow a dispensary. He said they are present to establish whether the application meets the conditional use standards that are set forth in the ordinance.

Ms. Vigliorolo went over the waivers requested from Ms. Annello's report dated April 9, 2024.

A motion to deem the application complete was made by Ms. Stephens and seconded Mayor Still. Roll Call: Elmer Still – yes, Kelly Stephens – yes, David Benson – yes, Brett Conrads – yes, Brian Shubert – yes, Theresa Vervaet – yes. Motin carried.

Mr. Brigliadoro swore in Mr. James Glasson, PE. Mr. Glasson gave his qualifications which were accepted by the Board.

Mr. Glasson presented a color version of sheet 4 of 13 of the plan-set entitled "Proposed Site Layout – Lot 5 Block 42" which was marked and entered as exhibit A-1.

Mr. Glasson said they were before the Board in February of 2023 for a minor subdivision and two site plan approvals. He said the subdivision has been filed and now the property exists as Block 42, lot 5 on 1.57 acres. He said it is one lot, however; the existing houses have not been removed yet. He said the site plan that was approved back in 2023 was for an expansion from the existing building which he explained to the Board. He said none of the exterior of the building has changed. He explained the gross floor area to the Board. He explained the first floor of the existing building. Mr. Glasson said they were approved for 2,400 square feet of retail space and two two-bedroom apartments with a total of 2,427 square feet and an additional 547 square feet which was made up of the hallway, elevator, and stairwells. He said they are proposing to remove the two apartments from the first floor and convert that area back to retail space which would total 4,827 square feet of retail on the first floor with the 527 square feet of elevator, stairwell, and hallway. He said of the 4,827 square feet of retail space, Bud-2-Bloom would occupy 2,339 square feet as shown on the architectural plans and the remaining 2,488 square feet would be another retail use. He said with the addition, the building remains at 4,167 square feet of office, 5,057 square feet of retail which includes is now 7,484 square feet with the addition and the 23 two-bedroom apartments that they originally were approved for now goes down to 21 apartments. They still have the one one-bedroom apartment for a total of 22 apartments which was originally 24. The parking requirement originally required 90 spaces and now increases to 98 spaces because the retail creates additional parking requirements. He said they have 99 spaces proposed so they meet the parking requirement. Mr. Glasson said nothing changes outside of the building. He said from a site standpoint, there is no change from the original site plan and no change to the ingress or egress, no change to the parking, no change to the access and no change to the exterior of the building.

Mr. Greenbaum said they had submitted a traffic plan and since the building was already approved for retail the use would still be the same.

With no questions from the Board, Mrs. Vervaet opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Brigliadoro swore in Mr. Kyle Dellamo, one of the principles of Bud-2-Bloom.

Mr. Dellamo said the building is in Block 42, Lot 5. He said he had submitted an environmental impact study, a traffic study, and a parking study. He said they are not changing any exterior walls and the application meets the ordinance standard that the cannabis retail could be in a mixed-use building. He said there would be no drive-through sales, he does not intend to allow the use of cannabis products on the property, the site will have a separate exterior entrance, and he would not be operating out of a movable or mobile space. Mr. Dellamo said there are no food or alcohol stores located in the building and there are no alcoholic beverage sales in the building. He said the building is not located within 200 feet of a school or childcare facility and the facility would not be located within 400 feet of another cannabis retailer.

Mr. Greenbaum said the applicant meets all the conditions under the Borough’s cannabis ordinance 2023-16.

Ms. Stephens asked how the customers would be advised that there is no consumption of cannabis onsite. Mr. Dellamo said they would have security onsite so as soon as the product is sold, the customer would leave the site. Mr. Greenbaum said consumption onsite has not been an issue for any of the retailers he is aware of.

Mr. Brett Conrads asked about the security measures. Mr. Dellamo said they have a full security system which is monitored 24/7 by the CRC. He said the customers would enter and show their ID to a receptionist and then a security guard would open the locked door. He said the back is secured with a second security guard and there is a full monitoring system inside and out. He said it is all required by the State of NJ.

Mr. Benson asked why air filtration is important if there is to be no consumption inside of the building. Mr. Greenbaum said he did not feel that there was a focus on that. He said anytime there is a cannabis product, there is a smell associated with it even if it not being consumed. Mr. Dellamo said all products coming into the store would be in a sealed package.

Mr. Brigliadoro asked about the hours of operation. Mr. Dellamo said the hours would be from 9am to 10pm Monday through Saturday and Sunday 10am to 6pm. Mr. Brigliadoro asked about the number of employees. Mr. Dellamo said they would have from 10 to 15 employees. He said the staff would come in an hour early to set up with security personnel present to oversee everything. At the end of the day, security would be the last one there to make sure everything is locked. Mr. Brigliadoro asked if they would be selling online. Mr. Dellamo said the customer could order online but would have to come into the store to pick up the product. Mr. Brigliadoro asked if the customer was given a window of time to pick up their order, to which Mr. Dellamo said yes.

Ms. Vigliorolo asked if there are designated parking spaces for the cannabis business. Mr. Dellamo said there are 13 spots for the customers and employees would probably park in the back. Ms. Vigliorolo asked if the spaces would have signage to which Mr. Dellamo said yes. Ms. Vigliorolo asked about the loading and unloading of the product. Mr. Dellamo said the product would be delivered by a security guard before store hours. He said everything gets scanned in with a bar code system and then is moved into the vault. He said deliveries are by van.

Mrs. Vervaet asked about the time of the deliveries to which Mr. Dellamo said they would be before store hours. Mr. Conrads asked if the deliveries are every day, to which Mr. Dellamo said just once a week but that would also depend on how busy they get. Mr. Greenbaum said deliveries are in unmarked vans.

Mrs. Vervaet opened the meeting to the public.

Mr. Brigliadoro swore in Maria Patamia, a Netcong resident. Ms. Patamia asked what types of products would be in the store. Mr. Dellamo said they would have edibles, flowers, and vapes. He said the staff would be able to educate the customers on the products. Ms. Patamia asked if there would be education for children, to which Mr. Dellamo said children would not be allowed in the store. Ms. Patamia asked about medical products to which Mr. Dellamo said they would not be selling medical cannabis.

With nobody else coming forward, the meeting was closed to the public.

Mr. Brigliadoro swore in Mr. Scott Mizrahi. Mr. Mizrahi said he was involved in the air movement and filtration business for 31 years. He said he was familiar with the cannabis industry as it relates to air filtration. He said he is familiar with about 6 other cannabis facilities and hundreds of other types of facilities when it comes to air filtration. He does commercial and residential facilities and holds a valid HVAC license. He noted that his daughter was a partner in the cannabis business before the Board. Mr. Greenbaum offered Mr. Mizrahi as an expert by way of experience with respect to air handling and filtration in buildings of this type.

Mr. Mizrahi said there are two forms of filtration for these types of businesses. He said one type is for a smoking bar and one for a retail facility. He discussed “smoke eaters” and the process of introducing fresh air. He said they are proposing an air change 1.5 times every hour. He said there would be a roof top unit and when the air is exhausted, it would go through carbon filtration to mitigate any odor before it leaves the building. There would be an exhaust system in the vault and the retail area. He said there are carbon filters that specifically deal with cannabis smoke.

Mr. Conrads asked if a package was to be opened inside, would it release an odor. Mr. Mizrahi said that it would have an odor. Mr. Dellamo said the products could not be opened on site.

Mrs. Vervaet opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

A motion to approve the application was made by Mayor Still and seconded by Mr. Shubert. Roll Call: Elmer Still – yes, Kelly Stephens – yes, David Benson – yes, Brett Conrads – no, Brian Shubert – yes, Theresa Vervaet – yes. Motion carried.

Mr. Ben Dellamo returned to the Board.

BILLS:

Company	**Purpose**	**Amount**	**Paid By**
Weiner Law Group	Legal	$340.00	Budget
Weiner Law Group	Prism Holdings	$34.00	Applicant's Escrow
Weiner Law Group	Prism Holdings	$612.00	Applicant's Escrow

A motion to pay the bills was made by Mr. Dellamo and seconded by Mr. Benson. Roll Call: Elmer Still – yes, David Benson – yes, Ben Dellamo – yes, Kelly Stephens – yes, Brian Shubert – yes, Brett Conrads – yes, Theresa Vervaet – yes. Motion carried.

OLD BUSINESS:
Ms. Stephens asked when the Jayant Properties construction was to start. Ms. Vigliorolo said they have excavated the drainage pipe. Mr. Brigliadoro said it is an enforcement issue.

NEW BUSINESS: None.

ADJOURNMENT:
With no further business to come before the Board, a motion to adjourn was made by Mayor Still. It was seconded by Mr. Conrads and passed with everyone saying aye. The meeting adjourned at 8:44pm.

Respectfully submitted,
/s/ *Stephanie Pizzulo*

Stephanie Pizzulo

Planning Board Administrator