

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
August 5, 2020

Opening

The Sixth Regular Meeting of the Mount Laurel Zoning Board of Adjustment August 5, 2020 was called to order by Chairman Bailey at 7:00 p.m. This meeting was held via Zoom

Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna O'Hagan, Board Secretary

Board Members in Attendance

Chairman Bailey, Vice Chairman Kiernan, Mr. Francescone, Mr. Green, Mr. Killen, Mrs. Liciaga, Mr. List, Mr. Kramer.

Absent

Mrs. Jones

Board Professionals in Attendance

Joseph Petrongolo, Planner – William Long, Engineer – Michael Angelastro, Traffic Engineer – Brian McVey, Fire Marshal and John Armano, Board Solicitor

Announcements and Review of Board Procedures

Adopting the Minutes

Chairman Bailey asked for a motion to adopt the fifth regular meeting minutes of 6/03/2020, Mr. List moved the motion Mrs. Liciaga seconded, all present voted affirmatively except Mr. List who abstained due to absence at the 6/3/2020 meeting, and the motion was carried

Memorialized Resolutions

R-2020-ZB10 - Mr. Killen made a motion to approve the resolution, Mr. Kiernan seconded, all present voted affirmatively, except Mr. List who abstained due to absence at the 6/3/2020 meeting the motion was carried.

Swearing in of the Board Professionals

Petitions before the Board

1. **John and Pamela Phillips, ZB#20-C-11**, 798 Carteret Court, Block 1002.03 Lot 1, R1D zone. The bulk variance being sought is from section 154-144 of the Mount Laurel Township Ordinance to allow the applicants to place a fence 2 feet from the corner property line where 25 feet is allowed and from 154 19.A(2) to allow the applicant to construct a 192 square foot shed where 120 square feet is allowed.

Mr. and Mrs. Phillips were sworn in.

Mr. Phillips Testimony

The home has three front yards. This variance would allow the fence to match the placement of the neighbor's fence. The larger shed is required to store lawn and beach accessories as well as bikes. Mr. Kramer and Mr. Killen questioned if the site line around the corner would be obstructed by the fence.

Mr. Phillips responded that the fence is designed at a 45-degree angle to avoid site obstruction.

Jay Petrongolo clarified that an additional variance from section 154-16 would be required to allow the shed to be 6 feet from the property line on a side yard adjacent to a street where 30' is required.

Chairman Bailey opened the meeting to the public for questions or comments, seeing none, closed the public portion.

Mr. Armano Esq. summarized the motion to approve the variances from section 154-19 to allow a shed 6 feet from the Academy Drive property line from section 154-144 to allow the fence 2 feet from the Academy Drive property line where 25 feet is required and from section 154.19.A(2) to allow a 192 square foot shed where 120 square feet is allowed.

Chairman Bailey asked for a motion to approve ZB#20-C-11. Mr. Killen moved the motion, Mr. Green seconded. The roll call vote of eligible Board Members was unanimous in favor. Motion carried, approved.

1. **Curaleaf New Jersey, Inc., ZB#19-D-32**, 1315 Route 73, Block 1100.01 Lot 2, Ind. Zone. This use variance is being sought from section 154-56C(18)(d) & (e) of the Mount Laurel Township Ordinance to allow the applicants to open a medical marijuana retail facility within 1,000 feet of a residential zone and within 1,000 feet of a child care center facility.

CherylLynn Walters Esq., Nehmad, Perillo, Davis & Goldstein, PC represented the applicant.

Exhibits:

A-1, Exhibit List; A-2, Witness List; A-3, Aerial (Site); A-4, Aerial (Zoning Lines); A-6 Use Variance Plan; A-7, Floor Plan; A-8, Building Renderings and A-9, Fire Apparatus Circulation Plan

Witnesses sworn in:

Chris Melillo, Senior VP of Retail Operations; David Kreck, PE; Robert Hoffman, PE, PTOE; James Miller, PP and Luke Flood, Business Development Manager

CherylLynn Walters Esq. summarized the application.

Chris Melillo was sworn in.

Mr. Melillo's Testimony

Mr. Melillo is responsible for all retail operations nationally. Curaleaf started 5 years ago currently has 88 dispensaries in 23 states with 5,000 employees. There is one dispensary in New Jersey. Curaleaf holds a vertical license, allowing them to grow, manufacture and retail their product. The license allows up to 3 dispensaries, the proposed Mt. Laurel location would be the second of three dispensary facilities. The customer base is 60% male 40% female at an average age of 50 years old and visits the dispensary 2.2x per month.

Mr. Melillo refers to exhibit A7, floor plan. There is only one way in and one way out, the patient movement is very controlled and works 1 to 1 with a Curaleaf employee throughout the transaction. The shaded portion of the building on exhibit A7 will be left vacant. Delivery space is gated and secure. The hours of operation will be 9:00 am to 7:00 pm 7 days per week. Onsite usage is illegal and not tolerated. Employees will arrive at 8:00 am and leave at 8:00 pm. Approximately 20 employees per day over 2 shifts not including security staff. Curaleaf will have 7 hired security personnel consisting of current and retired police and military. The site is video monitored with secure and traced key card

access. All deliveries in and out will be in non-descript vans. The product is delivered directly from the secure delivery area to a vault. Outbound cash is handled the same way in a Brinks type truck. Exhibit A6, no controlled substances go in the trash, a stringent process for disposal is followed, it must be sent back to the manufacturer for disposal. All product is tracked seed to sale. Curaleaf has strict maintenance protocols to be followed every day.

David Kreck PE is sworn in

Mr. Kreck's testimony

Exhibits A3 and A4, Mr. Kreck represents that the daycare center is approximately 950' away and the residential home is approximately 800' away.

There is discussion and disagreement concerning to the relevance of the Evesham residential properties within 1,000 feet from the proposed site. Jay Petrongolo, Board Planner, believes the Evesham properties should be considered, Ms. Walters disagreed.

Mr. Kreck's testimony continued. Exhibit A5, minimal proposed site improvements include the secure delivery area resulting in a reduction of 8 parking spaces leaving 124 spaces. Exhibit A8 is conceptual only, the applicant is not including signage in this application and will come back to the board if necessary for signage.

Mr. Kreck presented exhibit A9, Fire Circulation Plan noting no new or changed access points.

Robert Hoffman PE, PTOE was sworn in.

Mr. Hoffman's Testimony

Mr. Hoffman presented his Traffic Analysis report dated 7/24/2020. Site operates at a Level of Service "C" which is the same as the previous site. Peak parking demand results in 48 parking spaces. The report was based on two locations one in Carl Place New York and one in Bellmawr New Jersey. The Bellmawr site was a significantly high trip generator because the Bellmawr site incorporates growing and manufacturing. The Carl Place data is more accurate for analysis of the proposed Mt. Laurel location.

Luke Flood Business Development Manager was sworn in.

Mr. Flood's Testimony

This building is 4x the of Curaleaf's other locations but the best solution due to the difficulty finding an available location. Only half of the building will be used. The other half will remain vacant. No other occupancy will be allowed.

James Miller PP was sworn in.

Mr. Miller's Testimony

The applicant is seeking a D3 variance for relief from the requirement of 1,000 feet from a residential property, 2,000 feet from a daycare center and side yard setback relief to allow 30 feet where 50 feet are required.

The use encourages purpose a. and purpose g. of the Municipal Land Use Law 40:55D-2. Mr. Miller refers to exhibit A4 stating there is an extensive open space buffer in the rear of the proposed property and no direct road access to the residential area. There are a series of obstacles from the proposed Curaleaf location to the residential area and no visual impact.

Mr. Miller believes the proposed use is appropriate for the location because the benefits outweigh the negatives and in fact, there are no negatives and the deviations from the standards are minor.

Vote to Continue Public Hearing

Chairman Bailey called for a vote to continue the public hearing for Curaleaf ZB#19-D-32 past the 1½ hour mark.

Those In favor; Mr. List, Mrs. Liciaga, Mr. Killen, Mr. Green, Mr. Francescone, Chairman Bailey. Those opposed; Vice Chairman Kiernan. Motion to continue the public hearing is carried, approved.

The public hearing for Zoning Board Application ZB#20-D-10 is carried to the October 7, 2020, Zoning Board of adjustment meeting.

Public Hearing Continued

Mr. Melillo's testimony continued

Mr. Melillo presents Exhibit A8, color rendering of the building. Signage is conceptual only the applicant will follow the allowable signage for the site.

Mr. List questions the protocols followed by Curaleaf vs those of a traditional pharmacy

Mr. Melillo responded that Curaleaf's product comes prepackaged and follows a seed to sale system in which the State of New Jersey tracts the product coming in and going out of the facility from seed to sale. The system also tracts this per patient per month leaving zero room for leeway. The State of New Jersey has complete access to the applicant's systems with BioTrack. This system is more stringent than a prescription.

Armed security will be onsite.

Mr. List questioned if the existing fence would be replaced noting the ease of access to the residential zone and daycare center

Ms. Walters Esq. responded that the only site improvements will be the delivery area but if the board wants the fence altered Curaleaf is willing to do so.

Mrs. Liciaga questioned if Curaleaf will take appointments.

Mr. Melillo responded that these are New Jersey patients only. Generally, appointments are not taken. Due to COVID-19 Curaleaf has implemented the use of an app called Wait List Me. This allows patients to get in a virtual line and be notified when they are able to show up. This use has been deemed essential.

Mrs. Liciaga questioned how usage onsite will be policed.

Mr. Melillo responded that patients do not want to jeopardize their card and place in the program and the facility will not jeopardize their license. In the two years Mr. Melillo has been involved there have been no instances of onsite use in any of the 88 facilities. A violation could result in the patient being pulled out of the program.

Mr. Green questioned if this is a cash business and if there have been any issues with robberies.

Mr. Melillo responded this is predominantly cash business, they are only allowed to accept cash and pin debit. There have been a few attempts to break in the building during the unrest of the past few months. All attempts were unsuccessful.

Mr. List questioned the average length of time a patient is onsite and if police have ever been needed to direct traffic.

Mr. Melillo responded the average time of a complete transaction is generally 7 minutes. Police were necessary to direct traffic in the beginning of COVID, before they were deemed essential, patients were panicked that they would not be able to get their product so everyone showed up at once. Originally only 6 licenses were granted in New Jersey over the last 1½ years that number has doubled. The applicant is allowed to operate only in their zone. There are 3 other dispensaries in their zone. **Jay Petrongolo** reviewed his report dated 3-18-2020. The applicant has addressed the issues. The daycare center is actually 683 feet from the proposed site not 950 as Mr. Miller said and the residential zone is 800 feet from the proposed site. The township would like to see improvements to the landscaping in front of the site.

Mr. Melillo responded that Curaleaf will work with Mr. Petrongolo to improve landscaping.

Mr. Petrongolo continued. Sidewalks are required but not provided. This site may create an affordable housing obligation.

Ms. Walters Esq. confirms that the application will comply with any affordable housing obligation.

Mr. Francescone questioned why the applicant chose to go to a zone that does not allow this use instead of a zone that does.

Ms. Walters Esq. responded that this zone does allow the use as a conditional use.

Mr. Petrongolo clarifies that this is the only zone that does.

Mr. Francescone questioned why they chose this location as that will affect his vote

Mrs. Walters Esq. objected that this is not a site suitability variance and doesn't think it is appropriate for that to affect Mr. Francescone's vote.

Mr. Flood responded that no other locations met the ordinance criteria.

Mr. Melillo responded that they looked at least a dozen sites and all fell short of the ordinance

Mrs. Walters Esq. questions why they need a waiver for the sidewalk. Providing a sidewalk would be impractical and encourage pedestrian traffic.

Mr. Kreck PE responded there are no sidewalks on either side of the property or near the property if installed the sidewalk would lead nowhere.

Mr. Francescone asked if a condition of approval could be that if there is a sidewalk installed on either side of the property the applicant will install on the proposed property.

Mrs. Walters Esq. responded that she does not represent the owner of the building.

Chairman Bailey called for a 5-minute break at 10:15 and resumed the meeting at 10:23.

Mr. Balducci, building owner was sworn in and agreed to install a sidewalk if sidewalks are installed along Route 73.

Bill Long reviewed his report dated 3/21/2020. How many deliveries are anticipated?

Mr. Melillo responded, a maximum of one per day. Both New Jersey and the Police Department have access to Curaleaf's cameras 24 hours a day. One cannot enter or leave the facility without being on camera.

Mr. Long Continued, he is uncomfortable with the site plan waiver requested and would like a Minor Site Plan Alteration submitted regarding the fence.

Chairman Bailey called for a vote to end the meeting at 11:15 pm.

Those in favor; Mr. List, Mrs. Liciaga, Mr. Killen, Mr. Green, Mr. Francescone and Chairman Bailey. Those opposed; Vice Chairman Kiernan. Motion Carried, approved.

Mr. Angelastro reviewed his report dated 4/3/2020. Mr. Angelastro recommends a trip generation analysis be done at a site similar to the proposed site and that the applicant submit a letter of no interest from the NJDOT. Applicant should be required to submit a Minor Site Plan Alteration.

Mr. McVey reviewed his report dated 4/7/2020. All comments have been satisfied.

Public Portion

Chairman Bailey opened the public portion at 10:36 pm.

All participants were sworn in before commenting.

Jorge Vernaza, 122 Haines Rd. - Mr. Vernaza expressed concern about the public welfare and the dispensing of recreational marijuana and the cultivation of product.

Ms. Walters Esq. responded that this is not a recreational marijuana facility or a cultivation site.

The applicant has testified that they will not distribute recreational marijuana at this site.

Kenneth Isdaner, 1317 Route 73 – Mr. Isdaner commented that the Bellmawr facility is run well inside but the outside is like a circus. Wait times were over two hours pre-Covid. Mr. Isdaner asked if there are instances where police are necessary to control traffic in the Bellmawr site and has seen over 100

cars waiting. Mr. Isdaner is concerned with Curaleaf patrons using his parking lot and would request the fence be repaired and expanded to prevent crossing over.

Mr. Melillo responded that Curaleaf does not make appointments and to his knowledge the wait times were at the beginning of COVID-19. There are times where Curaleaf partners with police to control traffic.

Ms. Walters Esq. clarified that the proposed site is distribution only, Bellmawr is cultivation, distribution and a grow facility. The proposed site would take some of the burden of Bellmawr.

Mr. Isdaner continued. The largest tenant in his building is Pinnacle Treatment Centers administrative office. The company has drug treatment centers across the United States. Mr. Isdaner feels that there will be an impact on their existing tenant's willingness to renew their leases or new tenants willing to lease next to a marijuana dispensary.

Mr. Petrongolo questioned if there is a treatment center in 1317 Rt. 73 currently.

Mr. Isdaner replied that there is not but Pinnacle Treatment Centers has the option to have a treatment center in the building.

Richard Schwartz, 1317 Route 73. Mr. Schwartz stressed the concern for overflow parking into his lot and loitering as has been a problem in the past. He also reiterated the concern for tenants not renewing their leases.

Janet Caniglia, 243 Amberfield Drive. Ms. Caniglia is disappointed that she was not notified although she lives within 1,000 feet of the property and notes there is no barrier between her home and the fitness center. There have been problems over the years with people walking through from Route 73 to her neighborhood. If the police need to be called the Evesham Police will not help and the Mount Laurel Police have to park, then walk to the corporate park area.

Chairman Bailey explained that State law requires properties within 200 feet to be notified.

Dan McGovern, 255 Amberfield Drive. Mr. McGovern expressed concerns about access to his neighborhood. He questioned why other buildings were not suitable and why would they leave half of the building vacant and commented that the Bellmawr facility is a disaster.

Mr. Armano Esq. explained the applicant is reserving their response until we reconvene.

Hugh Giordano, 57 Argyle Ave., Blackwood NJ. Mr. Giordano is a representative for Local 152 and expressed issues with Curaleaf that were deemed irrelevant to the application by the Board Solicitor.


Chairman Bailey continued the Public Portion to the October 7, 2020, Zoning Board meeting at

This meeting is continued to September 2, 2020. No additional notice is required for Curaleaf or Dr. Sadiq.

Adjournment:

Chairman Bailey asked for a motion to adjourn at 11:20 pm, Mr. List moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: September 2, 2020


Suzanna O'Hagan, Secretary
Zoning Board of Adjustment