

**PLANNING BOARD
REGULAR MEETING
MINUTES**

June 27, 2023

**CALL TO
ORDER**

The Regular meeting was called to order at 7:03 p.m.
1 City Hall Plaza
Rahway, NJ 07065

Adequate notice of this meeting, as required by the New Jersey Open Public Meetings Act, also known as the Sunshine Law, has been provided by an Annual Notice sent to the City's official newspaper NJ Star Ledger on January 12th, 2023 and posted on the bulletin board of the Municipal Complex, posted on the City website, and filed with the Clerk of the City.

FLAG SALUTE

The Board will then salute the flag.

ROLL CALL

On a call of the roll, the following Board Members and Officials should be present:

BOARD

BOARD

Mr. Raymond Giacobbe, Mayor; or,
Mr. Eric Miles, Mayor's Designee
Mr. Jeremy Mojica, Commissioner
Mr. Kyle Gustofson, Commissioner
Mr. Robert Simon, Commissioner
Ms. Ruta Padulo, Commissioner
Mr. Alexander Shipley, Commissioner
Mr. William Cladek, 1st Alternate Commissioner
Mr. Christopher Brown, 2nd Alternate Commissioner
Mr. William Hering, Commissioner
Mr. Jeffrey Robinson, Commissioner
Mr. Karl P. Kemm, Esq, Board Attorney
Ms. Jacqueline Dirmann, Board Engineer
Ms. Leigh Fleming, Board Planner
Mr. Steven Decker, Board Secretary

Absent from this meeting: Commissioners Mojica, Gustofson, and Simon with excused absences.

The meeting was called to order at 7:03pm.

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record.

The following action took place.

REGULAR MEETING:

William Grubbs and Deborah Rather Grubbs

1709 Lawrence Street

Application #12/22

Block 377 Lot 3

Requesting a (60) sixty-day extension for subdivision due to extenuating circumstances

Plantabis Dispensary, LLC.

2077 US Highway 1

Application #02/23

Block 389 Lot 20, 22.01, 23.01

Applicant seeking Conditional Use approval and Minor Site Plan

Attorney Karl Kemm explained that deeds for subdivision must be recorded within 190 days. The applicant has requested a 60 day extension. This is very common and Attorney Kemm recommended that it be approved.

Commissioner Hering made a motion to approve the 60 day extension for the subdivision of 1709 Lawrence Street.

Motion: Commissioner Hering

Second: Commissioner Cladek

Yes: Commissioners Miles, Padulo, Shipley, Cladek, Brown, Hering and Chairman Robinson

No: None

Abstain: None

Absent: Commissioners Mojica, Gustofson, and Simon

Motion approved.

Board Engineer Jacqueline Dirmann and Board Planner Leigh Fleming were sworn in.

Plantabis Dispensary, LLC.

2077 US Highway 1

Application #02/23

Block 389 Lot 20, 22.01, 23.01

Applicant seeking Conditional Use approval and Minor Site Plan

Plantabis Dispensary, LLC. was introduced.

Attorney Kemm confirmed that this application was ready to be heard.

Attorney Richard Wells introduced the application. This is for a conditional use. The applicant is looking to convert a former free standing fast food restaurant to a cannabis dispensary. The applicant

received a conditional license approval and received a resolution of support from Rahway governing body.

Corby Pascucci of 2077 Rt. 1 Rahway, NJ was sworn in. Also sworn in was Kristal Marko of 2077 Rt. 1 Rahway, NJ. Ms. Pascucci is the co-founder and CEO of the business. Ms. Pascucci has a background in liquor sales, and a license for retail cannabis sales. Mr. Wells went through the requirements to demonstrate the conditional use standards are being met. The business must be in the B-3 highway business zone which it is. The drive-through can be used as a pickup window only, not for ordering. The proposed sign package complies with all conditional uses. When a dispensary abuts a residential property, it must have a 6 foot fence and 6 foot landscaping buffer. The application complies with this. This property has a 20-foot buffer between the two properties. This is a free-standing business which is a requirement. The business will comply with all operation hours regulations set by the city. The property is using a sealed HVAC system with filter to eliminate odor. A security plan was submitted to the police department. The site will have 24/7 surveillance, which is incorporated into the security plan. Drive Through compliance: Limited to pick up only with signage stating this provided. Drive-through lanes must accommodate 8 cars per stacking at 20 ft per car. This does comply. Drive-through and bypass lanes are 10 ft. wide. Circulation will be counterclockwise as required. The driveway complies with the 15-foot buffer from the property line. They have a conditional license as AR-69-23 was a resolution of support from the city.

Mr. Wells also explained he believes the dispensary fits in with neighborhood compatibility. This is located on a commercial corridor in the city and was previously a fast food restaurant. They will use a private hauler for trash disposal.

Commissioner Shipley asked about the potential of odor at the site since there will be no consumption at the site.

Kristal Marko is the operations consultant for Plantabis. Ms. Marko has managed dispensaries in New Jersey for 5 years. She explained that all products in the facility are prepackaged. All products are kept in a vault inside the facility. There is minimal odor on the floor. The HVAC system recirculates air from inside so it is not pumped outside the building. Carbon/HEPA filters can be used to filter the smell. They are using a system that emits a scent through the ventilation system and will help with smell. The parking lot will not have a cannabis odor. This system must be approved by Rahway Health Department. The applicant believes there will be no odor at all for the neighborhood as all the air will be sealed into the building.

Commissioner Miles asked if there is a percentage of employees that will be hired locally? Ms. Pascucci stated her goal is to hire as many people as possible from Rahway or close by.

Chairman Robinson asked why they will not be selling medical marijuana. It was explained that medical marijuana licenses are given out as an RFP process and the state has not opened any licenses up at this time. They are not able to sell medical marijuana. They have no objection to selling medical marijuana in the future if more licenses become available.

Commissioner Brown asked why they are before the board today. They have requested 1 variance for an 8 foot fence, where only a 6 foot fence is required.

Attorney Wells explained they are here to show they comply with all of the conditional use requirements, and to show the site plan which is an ordinance requirement.

Attorney Kemm explained that they are proposing a drive-through, which isn't a traditional drive-through. You will have to order before and then just pick up at the window. The drive-through window is permitted at the site per the ordinance.

Attorney Kemm asked regarding the fence on E. Scott Ave. property line and who it is owned by. If it is taken down, the applicant will put up a fence in the same spot.

There are three ways an order can be placed at the dispensary. Walk-in, place order and walk in to pick up, place order and pick up at drive-through. There will be 8 POS (points of sale) for walk-in, 1 POS for drive-through. An ID will be scanned at the entrance for every customer. A log is maintained of all IDs that are scanned. All products are stored in a vault. There will be no products on the floor. ID will be checked again at each transaction. The average transaction is roughly 10 minutes.

All preorders can be placed on the website. Plantabis will tell the customer when the order is ready, or you can schedule a time for pick up. One POS system will be dedicated to preorders. The average time of a preorder transaction is 5 minutes. The drive-through will be similar to a CVS or pharmacy. Orders must be preordered, and they will come to pick up the product. Transactions are 2 minutes or less. Ms. Marko believes 40% of customers will be browsing, and 60% of customers place by preorder. Plantabis can handle 42 walk-ins, 12 pre orders and 30 drive-throughs per hour. This facility could handle up to 80 transactions per hour. The peak rush times are similar to a liquor store, with weekends and evening times being the busiest. After completing a transaction, customers are asked to leave the facility. A separate license would be needed to provide onsite consumption. The staff will be trained to prevent onsite consumption.

Everything behind the counter is controlled with key card access. This limits how many employees can access different areas, and records who has accessed these areas. All product deliveries will be made by sprinter vans. Delivery will come to the site typically 1 time per week. The vendor will bring the product straight into the vault. The product will be entered into a metric system. It is scanned from delivery truck, delivered to store, and tracked to the customer. Deliveries must always have 2 people. There will be no forklifts. Deliveries are usually made in under an hour during off peak hours. Delivery times must be staggered. Cannabis waste will be taken offsite by the distributor. There will be no cannabis product disposed of on the site. The store hours will be based on demand and structured within the hours allowed by ordinance. There will be cameras inside and outside that cover the entire property. It is monitored by an alarm company, and state can access the footage whenever they want, as well as Rahway Police.

Plantabis will have a contract with a security company to guard the entrance.

An effort will be made to keep lighting at a minimum while complying with safety and security standards.

Attorney Wells addressed customer queuing. There will be a parking lot attendant to manage traffic. If there are too many customers, they can scan a QR code outside and return at a later time to pick up their order. There are currently 21 parking spots on site. Two more spaces are being added for a total of 23. Ten spaces are required by ordinance. A peak shift may have 12-14 employees. There will still be ample parking. The site will be hiring roughly 40 employees total.

Commissioner Shipley wanted to clarify that the drive-through must have a time and appointment. This is correct.

Commissioner Brown asked if there will be off duty police and a parking attendant as needed to make sure the parking lot is not being used for consumption.

Commissioner Miles asked about the time an average person spends in the store. Ten minutes for walk ins, five minutes for pick up, three minutes for drive through.

Planner Leigh Fleming asked if both drive-through windows will be used. The first window will be used to check ID, the 2nd will be used to pick up the product.

Exhibit A1 and A2 were displayed.

Dave A. Clark of 11 Park Lake Road Sparta, NJ was sworn in as the applicant's engineer and accepted as an expert.

Mr. Clark showed Exhibit A3 which was an aerial photograph of the site with existing conditions. The facility fronts on Route 1&9. There will be an entrance on Rt 1&9 North. There will also be an entrance and exit onto East Scott Ave. The building is 1900 square feet. The back of the building will now be the entrance. There are currently 21 parking spaces with a utility structure and dumpster. This structure will be moved to provide 23 spaces. The existing ADA space will be moved closer to the new front door. Traffic circulates counterclockwise around the facility. There is a lane to circulate around the site and go around the drive-through window. Customers will have to exit onto East Scott Ave. There are 9 pole mounted lights around the facility. A site lighting summary and survey will be done around the site once the electric is able to be turned on. The lights will be reduced in the off hours. There is a chain link fence down the north side of the site, and chain link along the rear adjacent to commercial facility. A board on board fence runs along the residential property. An 8 foot fence will be added. There will be no gaps or gates in the fence.

Exhibit A4 was shown with landscaping. There will be trees and shrubs along the back. Small shrubs will be provided along the front. They are proposing enhancing and filling in landscaping around the entire site. Two spruce trees will be added to fill in the screening with residential neighbor. They will take responsibility for replacing the board on board fence if needed.

Exhibit A5.1 showed site circulation for a 30 foot long box truck. This shows that it can still circulate with a box truck if needed. Exhibit A5.2 showed the loading areas. 55ft. is required, 47 ft. is proposed. They will not be using 30 ft. vehicles as the requirements show. This is an existing condition at the site. This exhibit also shows how a garbage truck will access the garbage area. The waste pick up will be scheduled for off hours. The applicant is proposing to reduce site impervious coverage. The drainage comes off the roof or parking lot and enter storm water infiltration with seepage pits, and stormwater drainage trench. The seepage pits will be maintained and have the pits cleaned and silt removed. Snow removal on the site will not be moved into any parking spots.

Two signs that are not compliant will be removed from the site. A monument sign near the East Scott entrance, and pole sign on the north of the property. A new compliant sign with compliant lighting will be added at East Scott Ave.

Board Engineer Dirmann asked about the June 23rd engineering letter. Ms. Dirmann asked if the 8 foot fence will effect the 20' wide sanitary sewer line in the area. Mr. Clark stated that the fence will be where it currently is located and will not be on the easement which end at the property line.

Ms. Dirmann asked how deep the retention system is at the site. Mr. Clark stated the depth of each seepage pit is 3 foot. There is 6-8 inches of stone below that. Mr. Clark stated that the drains from the roof run into the parking lot. Ms. Dirmann asked if these could be connected to the seepage pit like originally planned. Mr. Clark believes this may not be possible. But the seepage pits will be cleaned out, and the applicant will provide an inspection report to the city each year.

Engineer Dirmann stated that the sign for the ADA space is shown to be in the parking space and could impact required depth of the space. Mr. Clark responded because of the angled parking it will have sufficient depth, but they will confirm that it works.

Ms. Dirmann asked if Mr. Clark would consider striping the loading zone. The entrance is striped, but the back part is not. The applicant will stripe the entire loading zone.

Ms. Dirmann asked what type of paving will be done on site. The applicant stated they plan on repaving the entire parking lot.

Board Planner Fleming asked about the back lit screen on the building. The applicant confirmed that these lights will be turned off in the evening. Mr. Clark confirmed they will do a light study, and after 6 months the city can reassess the lighting. Mr. Clark stated the 2 lights near the East Scott Ave. entrance could be shut down after hours.

Board Planner Fleming asked about 12-14 employees parking at the site and leaving 10 parking spaces for customers and the 8 spots in the queuing driveway. She also wanted to confirm that there will be an attendant outside handing out QR codes. Mr. Wells explained that the time slots will be controlled by the owner. The applicant confirmed the 12-14 employees includes everyone (security guards/parking guards ect.) at the site during peak times.

Attorney Karl Kemm asked about the signs on the south side of the property on the site plans. Mr. Clark confirmed that the yellow signs by the driveway are way finding signs.

Chairman Robinson called for a break at 8:58pm.

The meeting resumed at 9:12 PM. All commissioners were present as the meeting restarted.

Commissioner Brown asked if the 8ft fence is a privacy or chain link fence. It will be a privacy vinyl fence.

Attorney Wells announced that the applicant is planning on having a soft opening to help deal with unanticipated problems. The applicant has evaluated the maximum amount of pickups that can be made, and they will only be scheduling half that amount to help accommodate walk in and limit issues.

Mr. Lee D. Klein of 156 Walker Road West Orange New Jersey was sworn in as a traffic engineer. The board accepted Mr. Klein as an expert. Mr. Klein used the trip generation manual for different land uses. He then created a trip generation comparison and summary with the previously used fast food restaurant. There will be a reduction in morning peak hours with the new use. Weekday PM peak hour 4-6 pm- fast food use- 63 trips, cannabis use- 47 trips. Saturday fast food- 105 peak hour trips, cannabis- 55 peak hour trips. Thursday, Friday and Saturday will be the peak times for the proposed site. Since it shows a reduction of traffic at the site, they will not need to do a full traffic study of the area.

Mr. Klein also reviewed the parking numbers. Average marijuana dispensary Mon-Friday 1-6pm, 7 spots per 1000 feet for a total of 14 parking spots needed. Mr. Klein believes the operation of this facility will operate equal or better than a fast food restaurant as far as creating traffic. Mr. Klein believes even with initial demand the parking and circulation will be adequate. The capacity of the facility is 3x the expected demand. The site provides safe and efficient parking.

Mr. Wells addressed the traffic report from Colliers Engineering. The Woodbridge facility that was used as a comparison is 4 times larger than this one. It has 7800 square feet. Also, the area it is located has 100,000 cars per day vs 66,000 for the Rahway site. The observation did not use traffic engineering data.

Mr. Wells asked if the proposed site will have a detrimental impact to traffic on East Scott Ave. Mr. Klein stated he does not believe it will make a large impact on the street in that area.

Michael Starr of 7430 East Kaley Avenue, Centennial, Colorado was sworn in. Mr. Starr is a licensed architect in New Jersey. The board qualified Mr. Starr as an expert. Mr. Starr stated the facility will be modified slightly to change the look. A lighted perforated metal screen will be put on the drive-through area. These lights are dimmable. The existing facility is brick and stone on a plywood backing. The applicant is proposing to remove stone and brick below 10 feet. A canopy is being added with uplighting around the building. The building below will be smooth and painted navy blue. The windows are staying in same location, but will be boarded up from the inside. It is a state

requirement that no windows can be see through. An additional backlit screen will be added to the entrance area, these are for aesthetics not lighting for the site. The sign will be rose gold aluminum channel letters. It will be lit by an LED bar above it. The new mechanical unit on the roof will not be visible.

Board Engineer Jacqueline Dirmann asked about the roof drains. Mr. Starr explained that both roof leaders are connected above and connect to 1 discharge leader that go into the storm drain. The overflow drains can not be connected in.

Maurice Rached of Colliers Engineering was sworn in as the boards traffic engineer. Mr. Rached was qualified as an expert and had provided a traffic study letter. Mr. Rached explained that Cannabis dispensaries are new to the area. Most ITE studies are from Colorado. We do not have enough data from New Jersey to know the real impact. There is a lot of variability for these sites at this time. The trip generation also has variability.

Commissioner Miles asked if Mr. Rached has a recommendation for this site. Mr. Rached stated that as a condition the applicant should provide a policy and operation manual to specifically deal with the parking and traffic flow and properly manage the demand for the facility.

Attorney Wells stated they do recognize the concerns. They are trying to apply the traffic and ordinance standards to the site. Mr. Wells asked if they agree that the site is compliant with parking. Mr. Wells stated the applicant does not have a problem with creating a policy and operation manual as long as it is reasonable and allows the business to be successful.

The meeting was opened to the public.

Sarah Chabak of 672 East Scott Avenue was sworn in. This is the residential property next to the dispensary. Ms. Chabak stated the fence is semi private wooden fence that is currently falling down. Ms. Chabak would like an 8 foot privacy fence along the back. She stated there is currently a dead evergreen and is concerned with the maintenance of the property. Ms. Chabak is concerned about the traffic. She stated that the previous restaurant uses closed because they did not receive enough traffic, so she believes this site will be more traffic. Ms. Chabak is also concerned about the traffic backing up onto East Scott Ave. Ms. Chabak is concerned about the hours, and the off-time hours of the garbage pick up.

Attorney Wells confirmed they will be planting new trees and replacing bad ones. The applicant is willing to put an 8 foot fence all the way across if the board will grant it. Mr. Wells explained the neighbors will have contact information for the management, and can contact them with any issues. That is a requirement for state license. The applicant confirmed the trash pick up will not be coming in the middle of the night.

The public portion of the meeting was closed.

Commissioner Miles asked about the possibility of customers exiting to East Scott and not allowing left hand turn out of the parking lot.

Mr. Wells stated he did not have an issue with it, but it will be hard to enforce.

Ms. Chabak stated that turning left is needed to get back on Rt. 1 South. She believes it is dangerous with how backed up the area gets with Rt. 1 being right there. Ms. Chabak stated between 3pm-7pm the traffic backs up down East Scott Ave.

Traffic Engineer Mr. Rachad proposed to turn the driveway on East Scott Ave. to a one way and right turn only. To enter the facility a customer would have to enter from Rt. 1 and exit on E. Scott Ave. There would be no entrance on E. Scott Ave.

Attorney Wells stated that this could impact the use of the site. He noted that offsite traffic conditions are not something that can be controlled. Standard Operating procedures shared by the applicant will address these issues.

Chairman Hering asked if this is a permitted use. Attorney Kemm stated this is conditional use and the applicant must meet the standards of the conditional use.

Commissioner Hering motioned to approve the application with the following conditions: The fence will be 8ft solid fence along the whole eastern boarder and along the neighbors house and the board will grant this variance. Agree to replant and refurbish all of the buffer and landscaping. A maintenance factor needs to be put in for the drainage trench, repaving the entire parking lot with added striping to the loading zone, a policy and operations manual will be provided, a traffic control person will be used as necessary specific to traffic from this site.

Motion: Commissioner Hering Second: Commissioner Miles

Yes: Commissioners Miles, Padulo, Shipley, Cladek, Brown, Hering and Chairman Robinson

No: None

Abstain: None

Absent: Commissioners Mojica, Gustofson, and Simon

Motion Approved

Attorney Kemm stated there will be ordinances for review passed by council. Resolution reviews will be done at future meetings.

Zoning Board update was given regarding the denial of 259 Elm Ave.

An update of applications for the Planning Board and Zoning board was given.

MEMORIALIZE

MINUTES: Any necessary changes to the Planning Board meeting minutes of May 23, 2023 shall be made and approved by action of the Commissioners

Motion: Commissioner Cladek Second: Commissioner Hering

Yes: Commissioners Padulo, Shipley, Cladek, Brown, Hering and Chairman Robinson

No: None

Abstain: Commissioners Miles

Absent: Commissioners Mojica, Gustofson, and Simon

Minutes Approved

Commissioner Hering made a motion to adjourn the meeting.

Motion: Commissioner Hering Second: Commissioner Brown

Yes: Commissioners Miles, Padulo, Shipley, Cladek, Brown, Hering and Chairman Robinson

No: None

Abstain: None

Absent: Commissioners Mojica, Gustofson, and Simon

ADJOURN: There being no further business; the meeting was adjourned at 10:38pm.