

RESOLUTION:

1. **Evergreen Tree Estates, Inc. /Toyota Universe:** 1535 Route 46 East, Block 200, Lot 1.01. B-2 Zone. Application to erect a parking garage. Site plan approval with D variance needed.

Ms. Cataldo motioned, seconded by Mr. Pocius to approve the Resolution for Evergreen Tree Estates, Inc./Toyota Universe.

Poll of the Board: Ayes: Cataldo, Pocius, Doland, Ariemma and Chairman Kilpatrick
Nays: None

The Chairman declared the Resolution APPROVED.

APPLICATIONS:

1. **Faith Therapy Consulting, LLC d/b/a FTC Kids** – 163 Main Street, Block 168, Lot 64. B-1 Zone. Variance free application to develop a designated outdoor play area.

Joseph Petriello, Esq., attorney for the applicant came forward to state that the applicant is seeking minor site plan approval.

Madison Peters, the Clinical Operations Director for Faith Therapy Consulting, LLC came forward to state that the business is a pediatric therapy clinic which provides occupational and speech therapy for ages birth through 12 years of age. She stated that the applicant will continue to occupy 163 Main Street, 2nd Floor, and stated that there is a need for outdoor space to enable the children to get fresh air. Each child will have their own therapist, and only a total of five (5) children and five (5) adults would be outside the building at a time. She said the business will be open from 8:00 a.m. to 8:00 p.m. Monday through Friday.

Jeffrey Egarian, Engineer for the applicant, came forward to state that a retaining wall (4ft.) will be constructed at the rear of the building by leveling off the rear area of the yard in order to provide the outdoor space for the children. At present, the area slopes away from the building, and the solid wood fence (which is now 6ft.) would be replaced providing privacy and screening for the children.

This portion of the meeting was opened to the public. No one coming forward, the meeting was closed to the public.

Mr. Corage motioned, seconded by Mr. Pocius to approve the application as presented to the Board.

Poll of the Board: Ayes: Barry, Corage, L. Damiano, Cataldo, Pocius, Mayor Damiano and Chairman Kilpatrick
Nays: None

The Chairman declared the application for Faith Therapy Consulting, LLC d/b/a FTC Kids APPROVED.

At this time, Mayor Damiano recused himself from the meeting.

2. **Ascend New Jersey, LLC/Mister Jones, LLC** - 655 Route 46 East, Block 186, Lots 8.04 and 21.04. B-2 Zone. Preliminary and Final Site Plan approval with variances for a Class 5 Adult Cannabis dispensary.

Lawrence Cutalo, Esq., attorney for the applicant came forward to state that the applicants Mister Jones and Ascend are co-applicants in this application and are seeking preliminary and final site plan approval, "c" variance relief and d(3) conditional use variance relief to permit the applicant to operate a Class 5 Cannabis Retail Dispensary at the former Burger King site located on Route 46 East.

Lerone Jones (Mister Jones), is the co-applicant and manages the Ascend location in Montclair (for over one (1) year) as to cash management, assisting with the hiring, etc.

Louis Cohen, Director of New Jersey Operations for Ascend, came before the Board to state that he helps to open and operate Ascend dispensaries in New Jersey. He uses social media, federal background checks with fingerprinting for the employees. He stated that the average time a transaction would take would be 15 minutes. Online appointments will reduce transaction time and customers will be sent directly to a pick-up window. The drive-up window will be for appointments only. He said there will be a security check once the customer arrives. Customer's ID will be scanned for their age and must be 21 years or older. The cash will be counted in a secured vault. The products will be stored in back rooms and are all pre-packaged. The customer's ID will be checked the 2nd time before payment at the pick-up window. He further stated that every inch of the store is secured by interior cameras and panic buttons. There are alarms on all doors with 24-hour surveillance. He stated that operation hours will be from 8:00 a.m. to 10 p.m., 7 days a week. Deliveries to the site will come in non-identified cars randomly throughout the day and through the back entrance. He testified that there will be no odor in the building because everything on site is pre-packaged. This a heavily regulated industry by the CRC (Cannabis Regulatory Commission) with lots of regulations.

Keith Bettencourt, Architect for the applicant came forward to state that the former Burger King building will remain the same using the same entrance. The drive-up windows will also be bullet proof (as a bank drive up window). He said that the access is so secure that customers will not be able to wander. Cameras, burglar alarms, panic buttons, card readers, etc. will be placed throughout the store. He stated that the applicants are proposing an illuminated box sign which will have the letters MJ and words Mister Jones.

Jeanine Parlato, Civil Engineer for the applicants came forward to testify that the applicants are reducing the drive isle from 28 ft. to 24 ft., thus adding more parking spaces and relocating parking spaces away from the adjoining property. Directional signs will be provided as requested and the applicant will be in compliance with the requested suggestions of the Board Engineer's report.

Corey Chase, Traffic Engineer testified that this application would not have a substantial impact on traffic along Route 46. He stated that the dispensary will generate fewer trips than the original Burger King restaurant. He also stated that three (3) appointments every 20 minutes for the drive-up window would not result in any stacking or queuing issues on the site. Furthermore, the proposed parking supply and design of the site is sufficient to support the projected site.

Jeffrey Stiles, Planner for the applicant stated that the applicants are requesting the following 3(d) variances: (a) Front Yard Landscaping (entire front yard area will have grass and shrubs; and (b) Parking Location (no parking will be permitted in the front yard due to grass and shrubs, therefore, parking will be located to the side yard which is closer than 5 feet from the property line. He stated that the applicants agree to replace the 6ft fence (this eliminates a d(3) variance). He further stated that they are requesting a "c" variance with regard to the pylon sign. Pylon signs are not permitted under the Ordinance, but this was an existing sign with Burger King. The lower portion of the sign

will be removed resulting in a lesser sign. No changes are proposed for the parking stalls which will remain at 8.5 ft. x 18 ft. He stated that there will be no changes to the existing curb cut. In his opinion, Mr. Stiles stated that the dispensary will be an attractive facility with the positive criteria being met with safety and efficient access and circulation on the site, and he sees no negative impact to the adjoining properties with the proposed use of the dispensary. The hours are reasonable and there is a lot less intense use than the former Burger King.

This portion of the meeting was opened to the public for questions. No one coming forward, this portion of the meeting was closed.

Mr. Barry motioned, seconded by Ms. Cataldo to approve the application as presented to the Board.

Poll of the Board: Ayes: Barry, Corage, L. Damiano, Cataldo, Pocius and Chairman Kilpatrick
Nays: Dr. Abdi

The Chairman declared the application APPROVED.

Old Business: None

New Business: None

Approval of the Bills: presented to the Township

Adjournment: 9:40 PM