

PLANNING BOARD
REGULAR MEETING
October 10, 2023

MR. O'CONNOR: In accordance with Section V of the Open Public Meetings Act, Chapter 231, Public Law 1975, notice of this meeting was posted on the Township Website and by advertising this Regular Meeting in the Burlington County Times on January 15, 2023 and in the Courier Post on January 15, 2023. In addition, notice was filed with the Municipal Clerk.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to a judicial hearing must be maintained at all times.

Members Present: Mr. Gallagher, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. O'Connor, Mr. Segrest, Mr. Snyder, Ms. Woodington, Mr. Shallow and Mr. Roadside.

Also Present: Mrs. Rucci, Board Secretary, Douglas Heinold, Attorney and Joseph Barbadoro, Township Engineer.

MR. HEINOLD: Oath of Allegiance – Kevin McGill.

MR. O'CONNOR: Case #2305 – Anka Field, LLC – Preliminary and Final Site Plan and Bulk Variance – 1503 Taylors Lane, Block 702, Lot 40.

MR. HEINOLD: He gave the Board an overview of the Township Code. The Township Code was amended in 2021 in response to the State legislation that provided for the legalization of various classes of cannabis uses in the State of New Jersey. He gave the Board an overview of the Ordinance.

MR. BARBADORO: He deemed the application complete.

A MOTION IS MADE BY MR. MINTON seconded by Mr. McGill to deem this application complete with the caveat that we reserve our rights to further deem it incomplete, if there was testimony or lack of testimony that was reference that doesn't satisfy our obligation. ROLL CALL VOTE: AYE, Mr. Gallagher, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Segrest, Mr. Snyder, Ms. Woodington, Mr. Shallow and Mr. O'Connor, no opposed, motion passes.

MR. BARANOWSKI: Attorney for the Applicant.

MR. HEINOLD: He swears in Tim Kalavruzos, Applicant and Robert Stout, Engineer.

MR. KALAVRUZOS: He gave the Board an overview of his background and what is proposed at the site. Anka Field, LLC wants to create a top grade cultivation manufacturing facility in Cinnaminson.

He presented and explained the following Exhibits:

Exhibit A-1 – 2017 Aerial Photo - He described the facility to the Board. There will be a fence around the entire facility. The building is masonry. It is around 20,000 square feet with the (inaudible) around 24,000 square feet.

Exhibit A-2 – Sample of material for walls and ceiling.

MR. KALAVRUZOS: He spoke about the Odor Control System. He identified the surrounding properties.

MR. MINTON: You used the word residence. There are businesses or commercial enterprises, but there are no residences.

MR. HEINOLD: His recollection was that the neighboring property was before the Planning Board and the testimony was there is a residential structure there, but it is not used as a residence. It is entirely a business use.

MR. BARANOWSKI: It is not a residential zone and it is not a residential use. It was a formerly used residential structure. It is not used for residential use.

MR. MINTON: Our Ordinance and the State requires an Odor Control Plan.

MR. BARANOWSKI: The Ordinance says that we have that plan. The State says we have to have that plan. The Ordinance says we can't create a nuisance. As long as we are tract, I don't think there is any recertification resubmission process other than maintaining compliance.

MR. HEINOLD: The applicant has to meet that obligation.

MR. MINTON: He referred to the Security Plan.

The Board and the Applicant spoke about the security plan and the water system.

MR. MINTON: He asked if there would be tanks on the exterior of the building.

MR. KALAVRUZOS: No.

MR. BARANOWSKI: Any approval will be subject to complying with conditions set forth in the Code 525-145C. You agree that you are subject to complying.

MR. KALAVRUZOS: Absolutely.

MR. KALAVRUZOS: They anticipate to have 20 to 25 employees. He spoke about the deliveries. It will not generate traffic.

MR. BARANOWSKI: You are swapping out what was previously truck traffic for vehicular traffic.

MR. KALAVRUZOS: That will be correct.

MR. BARANOWSKI: A small retail section so it will be a lower impact traffic generator.

MR. KALAVRUZOS: That will be correct.

MR. KALAVRUZOS: It is primarily wholesale. Our goal is to wholesale the product to other dispensaries.

MR. SEGREST: He asked if there was much sound.

MR KALAVRUSOS: No. He spoke about the hours of operation.

MR. MINTON: Retail is only permitted in Cinnaminson as part of a cultivation or warehousing.

MR. STOUT: He referred to Exhibit A-1. He described the surrounding properties.

Exhibit A-3 – Existing Site. He described the access. He spoke about the fencing and driveway. He identified the mechanical area. There are 41 parking spaces proposed. They meet the Ordinance. He spoke about the traffic circulation.

MR. MINTON: You are not proposing any on street parking.

MR. STOUT: No.

MR. MINTON: Do you agree to comply with that?

MR. STOUT: Absolutely. We are proposing a solar canopy in the rear. They are proposing a trash pad in the back. There are some storage containers on site. We are looking to making those permanent. They do meet the lighting requirement.

They will work with the Planning Board Engineer regarding the landscaping. There are two signs proposed. One monument sign and one façade sign.

Mr. Heinold and Mr. Kalavruzos spoke about the trailers.

MR. STOUT: The trash enclosure is only for boxes, lunches, similar to trash of other offices. No product will go into the trash enclosure.

MR. O’CONNOR: He asked about the parking stall space.

MR. STOUT: We are asking for 9’x18’ feet. That is what is there today.

MR. O’CONNOR: It will be a variance.

MR. STOUT: Correct.

MR. STOUT: Exhibit A-4 – Proposed Sign and Solar. He described the Exhibit to the Board. The signage will meet the Ordinance requirements.

MR. BARBADORO: He asked about the existing stormwater management, if any.

MR. STOUT: The site is existing paved (inaudible). We are not under the stormwater management regulations. If we increased the area by more than a quarter acre of new paving or disturb more than one acre of disturbance, we would be required to do stormwater management. We don’t have that.

MR. BARBADORO: He referred to the variance. He asked about the off street parking percentages. The 45 percent lot area.

MR. STOUT: The existing condition is 47 and one half. We do have a variance for that. I would ask that we go to 48 percent where 45 percent is required.

MR. O'CONNOR: He opened the public portion of the meeting.

MR. ROB HARTMAN: He read his remarks to the Board. He expressed his concerns to the Board.

MR. HEINOLD: This is one of the permitted locations. We are bound by the fact that it is a permitted use in this Zone and we are presenting it as a Site Plan to the Board, in accordance with the Ordinance.

MR. HARTMAN: He said that he lived next door.

MR. O'CONNOR: He thought a lot of what Mr. Hartman read in his letter was thoroughly addressed by the Applicant.

MR. BARANOWSKI: He said to Mr. Hartman you said that you live there?

MR. HARTMAN: He advised that it wasn't his legal address.

MR. BARANOWSKI: He asked Mr. Hartman's for his primary address. Mr. Hartman's primary address was not next to this property. So you visit this house and spend time there from time to time.

MR. HARTMAN: Every day.

MR. BARANOWSKI: You spend time there every day, but have a residence in (inaudible).

MR. HARTMAN: Yes.

MR. BARANOWSKI: You have a business there, you work there and you spend time in the house, but it is not your residence.

MR. HARTMAN: (Inaudible).

MR. BARANOWSKI: Okay. Thank you.

MR. BRUCE EASTERLY: Engineer for Mr. Hartman.

MR. BARANOWSKI: If an LLC owns the property, I understand Mr. Hartman making comments. He wasn't sure how it worked as far as Mr. Easterly speaking on behalf of the LLC, without an attorney present to represent the LLC.

MR. HEINOLD: He asked for Mr. Easterly to provide his testimony. His view was if someone is appearing not as an applicant, but as a member of the public.

MR. EASTERLY: He expressed his concerns to the Board. He spoke about the filters, odor, fire lane and fencing. He asked for the trash receptacle to be relocated.

MR. ROGER HARE: He spoke about a growth facility in another state. He expressed his concerns to the Board.

MR. SELL: He expressed his concerns to the Board.

MR. O'CONNOR: He closed the public portion of the meeting.

MR. HEINOLD: The Application has been transmitted to the Fire Official for their normal review. Once the letter is issued, you will comply.

(Inaudible) Correct.

MR. MINTON: He spoke about the requests to relocate the dumpster and moving the fence.

MR. STOUT: We are okay with moving the dumpster.

The Board, the Applicant and the Applicant's Engineer spoke about the fencing.

MR. MINTON: He thanked the members of the public who spoke during the public portion of the meeting.

A MOTION IS MADE BY MR. MINTON SECONDED BY Ms. Woodington to approve Preliminary and Final site Plan approval for Case #2305, consistent with all of the conditions and testimony given this evening. The Applicant will continue to make his annual submission, annual approvals for both the security plan and odor control plans. As a condition of approval, the Applicant will file copies of those plans annually with the Secretary of the Planning Board. The Applicant will continue to cooperate in any review or enforcement action associated with those files. The variances are noted in the record. The variances are for parking stall size. They are proposing 9'x18', 10'x 20' is required by Zone. Testimony was provided by the professional that it is suitable to provide that variance when there is no shopping carts and things of that nature in the layout. Most of the other requirements are existing conditions. The drive aisle width that is 21 feet where 25 feet is required. The drive way width required is 25 feet, the applicant is proposing 20 feet. The 20 feet being proposed is an increase over the existing drive aisle. There are existing trailers or storage in the configuration proposed. They will be used for the purposes that were testified to. Materials that are associated with the business, but nothing that is regulated by the CRC in terms of controlled substances. Moving the dumpster, no off street parking, the applicant will work with the Planning Board Engineer for landscaping, subject to the Fire Marshal approval and any other outside agency approval including the CRC. ROLL CALL VOTE: AYE, Mr. Gallagher, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Segrest, Mr. Snyder, Ms. Woodington, Mr. Shallow and Mr. O'Connor, no opposed, motion passes.

A MOTION IS MADE BY MS. LAMON seconded by Mr. Roadside to approve the Regular Meeting Minutes for August 22, 2023. ROLL CALL VOTE: AYE, Mr. Gallagher, Ms. Lamon, Mr. Snyder, Ms. Woodington, Mr. Shallow, Mr. Roadside and Mr. O'Connor, Abstain, Mr. McGill, Mr. Minton and Mr. Segrest, no opposed, motion passes.

MR. O'CONNOR: He opened the public portion of the meeting. No one came forward.

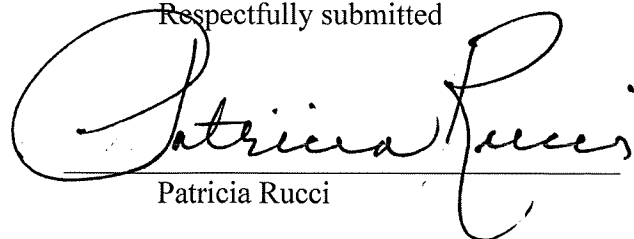
MR. O'CONNOR: He closed the public portion of the meeting.

A MOTION IS MADE BY MS. LAMON seconded by Ms. Woodington to adjourn the meeting. VOICE VOTE: ALL AYE, none opposed, motion passes. The meeting is adjourned.

Duly passed and Adopted

October 24, 2023

Respectfully submitted


Patricia Rucci