

PLANNING BOARD MINUTES APRIL 24th, 2024

The meeting of the Planning Board of the Borough of Somerville was called to order by Chairman Bernard Navatto at 7:00 PM and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

Board Members Present: Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher, Councilman Roger Vroom, Andrea Adair, Jason Kraska, Larry Cleveland, Christopher Adickes

Board Members Absent: Lisa Werner, Al Kerestes, and Arthur Akins

Professional Present Absent: Kara Kaczynski, Esq. Board Attorney and Michael Cole, Board Planner and Engineer

Pledge of Allegiance to the Flag

Hearing

2023-013P

Root 22 Dispensary, LLC

1062 Route 22 East

B92 L25.02

The attorney for the applicant Mr. Michael Silbert, Esq. addressed the board presenting the application Root 22 Dispensary, LLC expressing that the applicant seeks to renovate the existing building on the subject property located at block 92 lot 2.02, 1062 RT 22 East, located in the Brough B5 Highway Business District which is currently a Sunoco gas station into a Class 5 Cannabis retailer, a permitted use within the zone. Mr. Silber stated that the application proposes to eliminate the existing gas station infrastructure on the property and expand the existing building with a construction of a 2nd floor consisting of offices, bathrooms, security office, supply vault, utility room, etc. The Ground floor will consist of sales display areas, vestibule, security room, and bathroom. Mr. Silber also reviewed the proposed parking and explained that the application necessitates variance relief pursuant to section C of the MLUL for the max improvement cover where 55% is permitted and 78.6 % is existing and 70.4% is proposed, adding the relief sought is an improvement to an existing non-conforming condition on the property. Mr. Silber went on to explain that there is additional relief that is required, all of which exist on the property and noted them from page 20 of the Cole Report dated March 20th, 2024. An overview of wall signs and waivers were also discussed at this time.

Mr. Silbert also expressed to the board that the applicant has procured proper local licensing from the Borough’s governing body and is in the process of procuring proper licensing from the Cannabis Regulatory Commission, and all appropriate applicable state agencies. It was also stated that environmental reports were submitted to the board with an ROA issued for the property in 2022 which recognizes that remediation for the property has been completed in compliance with the administrative requirements for the remediation of contaminated sites and that the applicant will continue to comply with all DEP requirements as it relates to remediation of the property.

At this time Kara Kaczynski, Esq. Board Attorney marked the following exhibits into the record:

A-1 – Applicant’s application and supporting documentation

A-2 – Proofs of publication

PB1 – Mr. Coles report dated March 20th, 2024

A-3 – Mr. Fishers Letter of April 8th, 2024

Mr. Silbert briefing addressed Mr. Fishers letter marked A-3 stating that there were three main components, one of which he will address now regarding Bridgewater Townships concern for potential loitering on the applicant property. He stated that the applicant intends to provide regular loitering sweeps and have on-site security - along with no loitering signage.

At this time Mr. Silbert, Esq explained that the application will be presented by three expert witnesses consisting of Mr. Craig Stires, the applicants engineer. Mr. Rocco Campanella, the applicant’s architect, and Ms. Betsy Dolan, the applicants traffic expert. He also stated that Mr. James Barr and Mr. Joseph Savino, principles of the applicant, are present and available to address any questions and provide testimony as it relates to operations on the property.

At this time all witnesses were sworn in by Kara Kaczynski, Esq. Board Attorney.

Mr. Silbert then called upon his first witness Mr. Craig Stires. Under direct examination by Mr. Silbert, Esq Mr. Stires began his testimony with an overview of the subject properties current condition. At this time the below exhibit was marked

A-4 – a colorized version of the areal view of the subject property with proposed improvements overlaid.

Mr. Stires then continued his testimony on the current conditions, noting the driveway and signage. Mr. Stires also reviewed the proposed conditions for the cannabis dispensary in depth. This included the parking, impervious coverage, lighting, landscaping including street and shade trees, driveways, ADA ramps, stormwater management, dumpster enclosures, and sanitary sewer. Mr. Silber Esq. also questioned Mr. Stires on the specific variances that are required for the subject property. Mr. Stires provided engineering testimony on these items including setbacks and impervious coverage. Testimony including the benefits under the c(2) criteria, criteria B, and sections C, G, I, of the MLUL was also provided by the pair.

At this time Chairman Navatto opened up to questions from the board of the testimony just given by Mr. Stires.

Hearing none, Mr. Silbert then called upon his next witness, Mr. Rocco Campanella, architect for the project.

Under direct examination by Mr. Silbert, Mr. Campanella testified to the design and renovations proposed for the property. Mr. Campanella explained that they wanted to building to be unique and create something special with a focus on high quality materials including a stone veneer base with complementary trip, two different prick colors and some accent insulated stucco finishes

along with canopy. Mr. Campanella also review the layout of each of the floors stating that the main floor was essentially public space where people come to view and purchase the products that is security controlled, and 2nd floor being strictly dedicated to the staff comprised of offices, facilities and storage.

At this time Mr. Silbert Esq. directed Mr. Campanella to Mr. Coles Report marked as PB-1 addressing items including equipment screening, noise requirements and roof leaders.

At this time, they opened up to questions from the board.

Vice Chairwoman Deirdre Rosinski question the 2nd floor windows and means of egress. Kara Kaczynski, Esq. Board Attorney also posed several questions related to the internal layout and operations. Board member Mr. Larry Cleveland also questioned how they would access the rooftop equipment. All questions were answered by Mr. Campanella.

At this time Mr. Silbert called upon his next witness, Mr. James Barr, principle of the application, to speak about site operations. Under direct examination by Mr. Silbert, Esq. Mr. Barr testified to day-to-day operations, security measures including surveillance, staffing models, customer volume, hours of operations, hours of employee shifts, odor mitigation measures, and parking demand.

At this time, they opened up to questions from the board.

Vice Chairwoman Rosinski questions the use of mobile ordering and process of as well as how long on average it takes to fill a mobile order, along with how transactions are processes with an individual that is under the age of 21 in the vehicle, both responded to by Mr. Barr. Mayor Gallagher asked for clarification on what someone would experience when visiting the retail location, also responded to by Mr. Barr.

Additional questions were asked by Kara Kaczynski, Esq. Board Attorney, Board Member Larry Cleveland, Board Member Andrea Adair, Mayor Gallagher, and Vice Chairwoman Deirdre Rosinski – all responded to by Mr. Barr.

At this time Mr. Silbert called upon his next witness, Elizabeth Dolan, traffic expert, for the application. Under direct examination by Mr. Silbert Esq, Ms. Dolan testified to the findings within her report that was submitted to the board as a standard traffic impact analysis focusing on weekday morning and weekday evening peak periods of traffic as well as Saturday midday. Ms. Dolan provided figures to the board and testified that the existing Sunoco is underperforming by traffic engineering standards. She also spoke to the DOT permitting analysis as it relates to the site and its performance during peak hours, Ms. Dolan went on to express that even though the site won't be operating during peak morning hours, what was observed also indicates that the volume would be low regardless at about 14 cars during the time period. Ms. Dolan also testified to the future condition and provided figures for modeling the trips for the dispensary siting a slight increase in site traffic and found that the operational levels would be comparable to what they are now. Ms. Dolan also touched on an accident report that was requested from Jan 2020 through now and found that there were two reports, one being a drive that lost control along the

site frontage and the other being someone who was on the property of the gas station and backed into another customer, neither of them having to do with the access configuration or the intersection configuration. Ms. Dolan also stated that they applicant was not prosing to do anything to the site where the redevelopment would trigger the need for a new access permit from the DOT, adding that while the access configuration is somewhat outdated that it has not proven to be unsafe. Lastly, parking was discussed between Mr. Silbert Esq, and Ms. Dolan before turning their attention to Mr. Fishers letter which was discussed at length.

Questions of Ms. Dolans testimony including accident data and Mr. Fishers letter was posed by Mayor Gallagher including policing concerns, increased traffic, and preexisting conditions of the site. Additional questions were also asked by Vice Chairwoman Rosinski, Board Member Larry Cleveland and Chairman Navatto.

At this time Chairman Navatto opened up to the public for questions or comments of the professional testimony that was given this evening.

Members of the public Alexander Fisher from the law firm of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, representing the Township of Bridgewater addressed the board to ask the applicant for clarification of some items including loitering and consumption in cars, and ask that the board make loitering sweeps and no consumption in cars a condition of approval should the board grant the application approval. Additionally, Mr. Fisher asked that a question raised in his letter be addressed as it related to the EV parking being for customers only, responded to by Mr. Silbert, Esq. Mr. Fisher then asked the board to turn their attention to a copy of a prior resolution regarding the site dated December 17th , 2014 for application 2014-011Z that was marked into the record as Exhibit O-1, noting that the resolution does not mention any items regarding consideration of traffic and that it was unclear whether or not the zoning board considered it in its findings of facts and conclusion of law, he also called the board attention to number H1 of the general comments of Cole's memorandum, page 8 of 10. Mr. Fisher then asked additional questions of Ms. Dolan with additional conversation with Mr. Cole and Mr. Silbert.

Member of the Public, Dennis Sullivan, 8 South Richards Ave addressed the board to ask that they approve the application. Stating that this is the culmination of a process that took place with a public vote back in 2022 and that the council spent a lot of time and effort in crafting the ordinance for a location and developed an extensive questionnaire application form which addressed security, storage , nuisance smells, all factors that the applicant had presented this evening. He thanked the board for their consideration and hoped that they would take his comments into effect when voting.

time Kara Kaczynski, Esq. Board Attorney then outlined the conditions of approval for the application.

Upon a motion by Jason Kraska, seconded by Andrea Adair, the application 2023-013P, Root 22 Dispensary, LLC, was approved upon a roll call vote.

Roll Call Aye: Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher, Councilman Roger Vroom, Andrea Adair, Jason Kraska, Larry Cleveland, Christopher Adickes

Nay: None

Abstain: None

See transcript.

Meeting Open to the Public

Chairman Navatto then opened the meeting up to the public. Hearing no comment Chairman Navatto then closed the public session.

Chairman Comments

None.

Adjourn

Upon a motion by Deirdre Rosinski, seconded by Mayor Brian Gallagher, the adjournment of the planning board meeting of April 24th, 2024, was unanimously approved upon a roll call vote.

Roll Call Bernard Navatto, Deirdre Rosinski, Mayor Brian Gallagher, Councilman Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes

Nay: None

Abstain: None

The planning board meeting of April 24th, 2024 was adjourned at 9:28 p.m.