

PLANNING BOARD MINUTES
PUBLIC MEETING
DECEMBER 14, 2023- 7:00 P.M.
HELD AT THE OAKLAND SENIOR CENTER
20 Lawlor Drive, Oakland, NJ
www.oakland-nj.org

Pursuant to Chapter 231, Public Law 1975 (Open Public Meetings Act) adequate notice of this meeting has been provided by:

- ❑ Adoption of an annual schedule of meetings
- ❑ Posting a copy of same at Borough Hall and the Borough's website
- ❑ Advertised in The Record more than 48 hours in advance of the meeting
- ❑ Mailing a copy to any person requesting same

**** MEETINGS CONCLUDE AT 10:30 P.M., THEREFORE, NO TESTIMONY WILL BE TAKEN AFTER 10:00 P.M.**

PLANNING BOARD MEMBERS:

Andrew Gissonna, Edward Clark, Andrea Levy, Joseph Marscovetra, Michael Rose, Thomas Connolly, Lee Haymon, Gregory Liss, Councilman Kulmala, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:04 P.M., ROLL CALL:

Present Members: Ms. Levy, Messrs. Gissonna, Clark, Marscovetra, Connolly, Liss, Mayor Schwager and Chairman Potash.

Absent Members: Rose*, Mr. Haymon and Councilman Kulmala.

EXCUSE ABSENCES:

Motioned by Mayor Schwager and seconded by Ms. Levy, to excuse the absences of Rose, Mr. Haymon and Councilman Kulmala was voted unanimously by the Board.

Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates and John Yakimik, Boswell Engineering were in attendance.

BOARD PROFESSIONALS SWORN IN:

Mr. Lydon and Mr. Yakimik were sworn in

Mr. Clark sitting in for Councilman Kulmala, Mr. Gissonna sitting in for Mr. Haymon.

OPEN MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Liss and seconded by Mr. Marscovetra, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

No comments.

Motioned by Ms. Levy and seconded by Mayor Schwager, to close the meeting to the public for matters not on the agenda was voted unanimously by the Board.

ESCROW AND BUDGET REVIEWS:

Chairman Potash reviewed the escrow, and the contract budget balances with the Board and professionals.

PUBLIC HEARING:

1. Kusala Care LLC – 27 Muller Road, Block 301, Lot 2. Public hearing for Preliminary and Final Site Plan Review.

Mr. Jason Tuvel, Esq., with Prime & Tuvel located in Hackensack, was before the Board to represent the applicant. He explained that this is an application for an indoor Class 1 Cannabis Cultivation facility. The existing building is located on a 13.39-acre parcel known as the Dewey Electronics building. The applicant proposes to occupy 7,330 square feet of space out of the existing building. This is a newly created zone, I-4 Industrial zone, that permits a cannabis cultivation operation.

Mr. Tuvel explained the process for receiving a Class 1 Cannabis Cultivation License. The process includes a conditional license through the state, support from the governing body, site plan approval by the Planning Board and file application with the governing body and state for the license.

Mr. Tuvel expressed that this is considered a smaller grow facility known as a micro-business. There will be a maximum of 10 employees at the facility at all times which are vetted by the state before being hired. The hours of operation will be Monday through Friday from 9:00 a.m. to 6:00 p.m.

As requested by the town, there will be no usage of municipal water usage. Water supply will be delivered by a company specializing in pretreated water specifically for cultivating. There will be no expansion of the building so no variances are being requested. The CEO and COO of Kusala Care will go over product deliveries, waste management and odor mitigation.

Mr. Tuvel introduced Mr. Matthew Greco with McNally; Doolittle Engineering located in Oakland. Mr. Greco was sworn in, gave his credentials and the Board accepted his qualifications.

Mr. Greco gave a description of the existing conditions. He explained that there is an existing building approximately 44,200 square feet located in the western end of the Borough. The only access to the building is from Muller Road and no access from 287. North of the property is surrounded by woodlands and south of the property is 287 and Garden State Lumber. The existing building setbacks are 122.6-feet from Garden State property line and 162.4-feet from I-287.

Exhibit A-1, Preliminary and Final Site Plan prepared by McNally Doolittle Engineers, LLC dated July 12, 2003 consisting of 3 sheets.

Mr. Greco explained that at the end of Muller Road, the building lot is surrounded by 11 acres of wooded area. On the southwestern portion of the building, there is a loading area and 93 parking spaces along two sides of the building. There are 7 visitor parking spaces, 58 parking spaces for existing tenants, 28 parking spaces unassigned and 14 parking spaces assigned to the applicant.

The applicant has 2 vans for delivery purposes. It was discussed that two existing parking spaces will need to be striped to accommodate the delivery vans and one of the existing parking spaces will be moved to accommodate security fencing. There are no external site improvements being proposed so no new variances will be created.

Deliveries will consist of vans and box trucks and there will be no deliveries requiring tractor trailer trucks. A concrete pad is being proposed for an HVAC system and CO2 tanks for the cultivation process. The applicant will not be using Borough water for the cultivation process. Water will be delivered monthly into 3 internal water storage tanks with a capacity of 1,000 gallons each. Trash and dumpsters will be located at the northern end of the parking area for office waste and the applicant will recycle materials pursuant to the Borough's code. Since there will be no exterior improvements, drainage will not increase and remain the same. Mr. Greco informed the Board that the applicant will comply to the comments in Boswell's report. A discussion ensued concerning parking and a 2-way aisle width shall meet the Borough's code.

Mr. Rose entered the meeting at 7:27 p.m.

Mr. Greco confirmed that there will be 7 visitor parking spaces for the facility, and they will work with the landlord if they are required to offer ADA parking. There was a discussion concerning a 200 square foot piece of property that it is located in Wanaque.

Mr. Yakimik informed the Board that during his site visit, he noticed that Garden State Lumber utilizes some of the parking, but parking will not be an issue. The two-way aisle width meets the Borough's code and movability is fine within the parking area. He noted that there are no ADA spaces and Mr. Tuvel responded that they will work with the landlord and if ADA parking is required, they will accommodate it. Mr. Yakimik questioned the lack of striping in the loading

area. Mr. Greco responded that the area in question will have a 16.5-foot concrete pad to hold the HVAC system and CO2 tanks. A discussion ensued concerning fence or bollards being installed. Mr. Greco informed Mr. Yakimik that there will be no signs involved with the application. Mr. Lydon reviewed lighting with the applicant. Mr. Greco responded that the lighting could be better, but they are planning to stick with the existing lighting and comply with the Borough code concerning footcandles. Mr. Lydon confirmed that no cannabis waste will be placed in the dumpsters outside. A discussion ensued concerning tree removal and replacement. No further discussion. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Mr. Liss, to open the meeting to the public regarding the testimony given by Mr. Greco was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Mr. Marscovetra, to close the meeting to the public regarding the testimony given by Mr. Greco was voted unanimously by the Board.

Mr. Tuvel introduced Mr. Wayne Johnson, licensed architect with Blueline Architecture, LLC located in Wyckoff. Mr. Johnson gave his credentials, and the Board accepted his qualifications.

Mr. Johnson entered an exhibit.

Exhibit A-2, Proposed Cannabis Cultivation Facility prepared by Blueline Architecture, LLC dated August 18, 2023 consisting of one sheet.

Mr. Johnson explained that the plans show 3 internal water storage tanks, each with a capacity of 1,000 gallons, three flower rooms, a secure storage room, a compost room, an employee break room, a waste room, a finish room, a dry room, a mother-clone room, a vegetative room, an office, a janitor room, and an electric room. He recommended that Mr. George Lutfey, C.O.O. and Justin Lee, Cultivator, give a description of their operation.

Mr. Lutfey was sworn in and explained that he is the C.O.O. for the company. He explained the hours of operation will be between the hours of 9:00 a.m. – 6:00 p.m. with a maximum of 10 employees. Their business is characterized as a micro-business. They are aware of the Borough's ordinance concerning water and therefore will not utilize municipal water for their business. All water will be delivered to the site by truck into three interior holding tanks with the capacity of 1,000 gallons. These deliveries will occur every 4-6 weeks. Borough water will be used in connection with sinks, washrooms, and bathroom.

Mr. Lutfey explained the cultivation process and rooms associated with the process. He explained that there is a Vegetative Room and the Mother-Clone room where the plants are grown before moving on to the Flower Room where product will continue to grow in large soil beds where they are watered, fed, and manicured. The plants are then moved to the Dry room and ultimately to the Finish Room where it is trimmed and jarred. Unused portions of the cannabis plant will then

go to the Compost Room where it will be transformed to become future soil. They anticipate 80 pounds of cannabis per harvest which will occur monthly. This will equate to approximately 10,000 jars monthly.

After the truck delivers the water, it goes into three 1,000-gallon interior tanks. They use rolling spray carts to water the plants. A discussion ensued concerning sustainability and reusable water. Mr. Lutfey explained that their HVAC system has a humidifier that will capture 60-90 percent of water which is returned back to the tanks.

Mr. Lutfey explained the employee training process. Each employee must be trained pursuant to New Jersey Cannabis Regulations. Security must be followed also pursuant to New Jersey Cannabis Regulations. They are required to have a security plan submitted as part of their application. Employees hired will only have access to certain rooms. Cameras, which will be accessed by the state, will be installed on the exterior and the interior of the building. At all doors they will have sensors or keypads and there will be an alarm system. There are approximately 2 outbound deliveries per day via the company's unmarked vans. There was discussion concerning type of water used to water the plants, CO-2 purpose and solar panels. In addition, they discussed the type of carbon filters used to lessen the odor. No further discussion. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Mr. Liss, to open the meeting to the public regarding the testimony given by Mr. Lutfey was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to close the meeting to the public regarding testimony given by Mr. Lutfey was voted unanimously by the Board.

Mr. Tuvel introduced Mr. Jacob Strauss a licensed engineer in the state of New Jersey and employed with EWMA. Mr. Strauss was sworn in and gave his credentials and the Board accepted his qualifications.

Mr. Strauss testified that he prepared the Odor and Nuisance Control Plan. He confirmed the water use plan. The proposed water use will be minimal since 60 to 90 percent of the water will be recycled. There are three water holding tanks with the capacity of 1,000 gallons on site. The water from these tanks will be used to manually water the cannabis plants. In an effort to reduce water usage, they recycle and purify the water from the facility's de-humidifier and return it to the holding tanks. He notes that no municipal water supply will be used to irrigate the plants.

Mr. Strauss explained that the facility manager will be responsible to ensure that all staff is trained properly concerning odor control. This maintenance will include regularly monitoring and ensuring that HVAC and odor mitigation equipment throughout the facility is properly operating to maintain air flow towards engineering controls for odor treatment. Windows and doors at the facility will be closed at all times.

The facility will be equipped with industry leading carbon filtration systems, air handlers and air purifiers. This system will remove approximately 99 percent of the odors from the air such as the smell of tobacco smoke. Each cultivation room will be sealed and air flow in or out of the rooms will be controlled by carbon filtered vents which will then be exhausted outside of the building. Specifically, the exhaust will be piped up and vented out on top of the roof of the building. The proposed systems should be more than sufficient to control the odor of the product.

Mr. Strauss believes that noise will not be an issue. All of the newly built air-tight rooms are sealed within the building. The only piece of equipment that will generate noise outside the building would be the air handlers. The air handlers will operate 24 hours, 7 days a week and operate below maximum capacity reducing noise pollution levels.

Mr. Lydon confirmed the number of lights and planting beds. Mr. Russo confirmed the exhibits entered.

Exhibit A-3, Odor and Nuisance Control Plan dated August 15, 2023 prepared by EWMA.

Exhibit A-4, Letter from Jacob Strauss to the applicant dated August 15, 2023.

Exhibit A-5, Letter from Jacob Strauss to Bergen County Department of Health Services dated September 18, 2023.

Exhibit A-6, from Jacob Strauss to Bergen County Department of Health Services dated November 14, 2023.

No further questions. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to open the meeting to the public regarding the testimony of Mr. Strauss was voted unanimously by the Board.

No comments.

Motioned by Mr. Liss and seconded by Mayor Schwager, to close the meeting to the public regarding the testimony of Mr. Strauss was voted unanimously by the Board.

Meeting recessed at 8:37 p.m.

Meeting resumed at 8:45 p.m.

Mr. Tuvel introduced Ms. Bridgette Bogart a licensed planner in the state of New Jersey. Ms. Bogart was sworn in, gave her credentials and the Board accepted her qualifications.

Ms. Bogart testified that she reviewed the Borough ordinances and state laws and regulations pertaining to cannabis businesses. She confirmed that the property consists of 13.4 acres and neighboring properties. Since the property is isolated, there will be no substantial impact on the neighborhood. Access to the property remains the same as well as the exterior of the building. The only modifications being made will be to the interior of the building to facilitate a Class 1

cannabis cultivation business. The parking will remain the same with a total of 93 parking spaces of which 14 will be assigned to the applicant. Parking will be sufficient since there will only be a maximum of 10 employees. There will be no retail at the site.

The operation for a Class 1 cannabis cultivation business is regulated by stringent state laws and every single component of the site will be monitored by the state. The proposed use is a permitted use in the I-4 Industrial zone and no variances are being requested. The proposed use meets several of the purposes of the Municipal Land Use Act and serves no detriment to the public. In addition, the use complies with Borough ordinance 21-Code-863.

There was discussion concerning frontage, a past subdivision and other tenants in the building. No further discussion. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to open the meeting to the public regarding matters concerning the testimony of Ms. Bogart was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to close the meeting to the public regarding matters concerning the testimony of Ms. Bogart was voted unanimously by the Board.

Mr. Tuvel informed the Board that a newly crafted ordinance was adopted creating this zone for this purpose which the applicant is in total compliance. This concludes their presentation of the application and asks that the Board to grant the applicant approval. He Chairman Potash entertained a motion to open the meeting for public comments.

Motioned by Mr. Rose and seconded by Mr. Liss, to open the meeting for public comment on the application was voted unanimously by the Board.

Mr. Michael Guadagnino informed the Board that he was a member of the Cannabis Committee and helped to craft the ordinance. He hopes the Board votes in favor of the application. He feels the applicant has gone to great lengths to protect the aquifer and mitigating the odors by using high end carbon filters. He got to know the business owners and mentioned that the site is remote.

Mr. Frank DiPentima, informed the Board that he knows that the applicant strictly followed the ordinance. The town should be aware that 2 percent of all their profits will go back to the town to help pay down debt service which will benefit the community. He is in favor of the application.

Motioned by Mr. Liss and seconded by Mr. Marscovetra, to close the meeting for public comment on the application was voted unanimously by the Board.

Mr. Russo reviewed all conditions if the application were to be approved as follows:

- State's conditional license converts to an annual license set forth by New Jersey Cannabis Regulations.
- Aisle widths and parking spaces will be re-striped pursuant to the Borough's code.
- Applicant will comply, if applicable, with ADA parking standards.
- Applicant will provide recycling bin for recyclable materials.
- Applicant will revise the parking location for the company vans upon review and approval of the engineer.
- Applicant will revise plans showing tree removal and type of replacement.
- Fence to be installed shall be upgraded upon the review and approval of the Board engineer.
- Plans are to be revised to provide the spacing of bollards as well as bollard construction detail.
- The identification marks on the company vans shall be in compliance with the New Jersey Cannabis Regulations.
- The proposed security plan to be reviewed and approved by the Borough's Police Department.
- Any signage to be installed shall comply with the Borough's sign ordinance.

No further discussion. Chairman Potash entertained a motion.

Motioned by Mr. Liss and seconded by Ms. Levy, to approve the Kusala Care application.

Roll Call Vote: Ayes: Ms. Levy, Messrs., Gisonna, Clark, Marscovetra, Connolly, Liss
 Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Messrs. Rose, Haymon and Councilman Kulmala

MEMORIALIZATIONS:

None

PAYMENT OF BILLS:

Motioned by Mr. Rose and seconded by Mr. Connolly, to pay the bills subject to the availability of funds.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gisonna, Clark, Rose, Marscovetra, Connolly, Liss
 Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mr. Haymon and Councilman Kulmala.

APPROVAL OF MINUTES:

November 9, 2023 Minutes:

Motioned by Mr. Rose and seconded by Ms. Levy, to approve the November 9, 2023 Minutes as amended.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gissonna, Clark, Rose, Marscovetra, Liss
 and Chairman Potash.
 Nays: None
 Abstain: Connolly and Mayor Schwager
 Absent: Mr. Haymon and Councilman Kulmala.

NEW BUSINESS:

Adopt 2024 meeting schedule:

Motioned by Ms. Levy and seconded by Mr. Connolly, to adopt the 2024 Meeting Schedule.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gissonna, Clark, Rose, Marscovetra, Connolly, Liss
 Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mr. Haymon and Councilman Kulmala.

RFQ Committee:

An RFQ Committee was formed consisting of Mr. Liss, Mr. Haymon, and Chairman Potash.

OLD BUSINESS:

Mr. Yakimik updated the Board on a recent meeting with the sewer service customers.

PUBLIC MEETING ADJOURNED AT 9:15 P.M.

Motioned by Mr. Connolly and seconded by Ms. Marscovetra, to adjourn the meeting by a unanimous vote by the Board.

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

*Next meeting on January 11, 2024