

PLANNING/ZONING BOARD
BOROUGH OF HALEDON
510 Belmont Avenue
Haledon, NJ 07508

Meeting Minutes: June 16, 2022
Regular Meeting

1. The Open Public Meeting Notice was read into the record.
2. Flag Salute.
3. Call to order. The meeting was called to order by: Jim Iza Chairman at 7:19 P.M.
4. Roll Call of the Board was taken:

Present were:

J. Iza (Chairman)
G. Turi (Zoning Officer)
H. Augustin
L. Lantigua
J. Rivas
R. Rivadeneira

Absent:

P. Martin
K. Savinon (Vice Chairman)
T. Hannah

Board Attorney: Messineo Law LLC- Charles Rabolli- present

Board Engineer: Alaimo Group- Rich Wostbrock - present

Mayor and Council Officials: Mayor Stampone- absent

Junior Morris- present (L)

5. A motion was made by R. Rivadeneira to accept the meeting minutes of May 19, 2022, seconded by L. Lantigua.

Accepted by acclamation: Present were- J. Iza, G. Turi, H. Augustin, L. Lantigua, J. Rivas, R. Rivadeneira

6. Resolution(s):

A. Site Plan/Application (Variance): **Rocco Feldhann/Carmel Feldhann**
52 Cliff Street, Haledon, NJ B: 127 L: 7
Attorney: None/Architect: None

A review of the resolution was provided by C. Rabolli.

A motion to memorialize the resolution was made by R. Rivadeneira and seconded by L. Lantigua.

Roll Call: Yes: H. Augustin, J. Iza, L. Lantigua, J. Rivas, G. Turi, R. Rivadeneira

B. Site Plan/Application (Variance): **Alvin's Flipped Home, LLC**
10 Coolidge Place, Haledon, NJ B: 81.01 L: 7
Attorney: Juan Moran Esq./ Architect: Mario Nevado, RA

A review of the resolution was provided by C. Rabolli.

A motion to memorialize the resolution was made by R. Rivadeneira and seconded by L. Lantigua.

Roll Call: Yes: H. Augustin, J. Iza, L. Lantigua, J. Rivas, G. Turi, R. Rivadeneira

7. Site Plan/Application (s):

- A. 397-407 Haledon Properties, LLC. 411 Haledon Ave, 397-407 Haledon Ave, 38 Harris St. & 81 Zabriskie St. B: 90 L: 15,16,17 & 33

Attorney: Harold Cook III, Esq./ Engineer: Costa Engineering Corp.

Applicant wished to carry over to July 28, 2022, if a special meeting is held or September 1, 2022. No Further Notice is needed.

- B. 61 Norwood Street (Minor Subdivision Application) B:42 L:21 & 8

Attorney: Alan Mariconda Esq./ Engineer: Evans Architects

Applicant wished to carry over to July 28, 2022, if a special meeting is held or September 1, 2022. No Further Notice is needed.

- C. Site Plan/Application: **Molly Ann Farms**

265 Belmont Avenue, Haledon, NJ B: 117 L: 1&2

Attorney: None Architect: Stephen Hambrecht

Notice Provided

Testimony/Board Comments:

Gabriella Wilday was sworn in and proceeded to provide a summary of the cannabis regulatory environment in New Jersey and Haledon. Most notable: 1) on February 22, 2021, Governor Murphy Signed “The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” into law. 2) In May of 2021, Haledon Borough City Council introduced Ordinance 5-27-2021 providing for the zoning, licensing, registration, and regulations for cannabis establishments in the Borough which provides for 2 retail establishments, 1 cultivation establishment and 1 manufacturing establishment to be a permitted use in the Neighborhood Business Zone (C and NC). 3) On March 10th, 2022, the Borough unanimously approved Molly Ann Farms application for the Borough’s first Cannabis Retail License, passing a support resolution in favor of the business operating at 265 Belmont Avenue, resolution #2022-067 and Ordinance 1-27-2022, providing for a 2% local tax on all cannabis and providing a restriction on cannabis businesses not locating within 500 feet of a school or day care center. Gabriella Wilday summarized by stating that she is before the planning and zoning board, not to get permission to run a cannabis business in Haledon at 265 Belmont Avenue but to abide by the zoning and land use regulations required as a retail establishment in Haledon and to obtain site plan approval.

Gian Lombardi partner in Molly Ann Farms was sworn in and provided a summary of the hours and parking demands along with their site plans which include a change in use, new signage, adding an ADA Compliant wheelchair ramp to the entryway, and creating a pedestrian walk up window which will reduce the demand for parking.

Molly Ann Farms responses to the Borough engineer's review letter:

Site Security Fence-Gaby-There is no code requirement for a site security fence in the Haledon zoning requirements, or the state requirements put out by the Cannabis Regulatory Commission. A robust security plan is in place and there is no need for a fence.

Architect Stephen Hambrecht was deemed an expert and sworn in. He has designed 2 cannabis dispensaries in NJ, 1 in Ct, 1 Ma, 1 in NY, 1 Pa.

Exhibits:

A1-May 26, 2022, email from Angelo Danielle to R Wostbrock and others

A2-Diagram in packet displaying signage and ramp

A3-8.5x11 photo

A4-Peak hour parking exhibit

A5-Color coded floor plan of space

Regarding the signage, Molly Ann Farms prefers to simply replace in kind the existing signage with a new logo and business name. There are minor deviations from code on existing signage. They are requesting a smaller more understated sign in which a variance is needed. Signage on Belmont Ave is currently 3.6 feet off ground, they are proposing keeping it at 3.6 feet where 7 feet is required. The maximum height required is 2 feet. It is currently 4 feet, and they are proposing keeping it at 4 feet. Also, proposing keeping it at 49 feet long. Entrance wall sign requirement is 7ft. It currently exists at 4.6ft and they are proposing keeping it at 4.6ft. Maximum height allowable is 2ft and they are requesting 3ft as per existing.

Access Ramp – detailed in the drawings. It is ADA compliant. 1” of grade change for every 1’ of length.

Pick up window – this is pedestrian only which will relieve demand for parking.

Parking- The parking lot will be reconfigured. Molly Ann Farms argues the retail space consists of a dedicated 3400 sf (Total Building is 8900sf) and since the code is 1 spot per 100 sf their requirements for parking should be 34 spots and they have 66.

Since Molly Ann farms is only using 3,400 sf of the building for retail use, 18 employee spots put the parking load estimate at 32. Stalls encroaching on Morrissee will be relocated out of easement onto property. Western ramped entrance will be flared to allow cross-over traffic and a wider drive aisle.

Parking for The Yard is purely an accommodation to The Yard customers. Molly Ann Farms would like to be good neighbors and continue to allow the arrangement. Peak times are different. Friday Peak hours for Dispensary are 5 PM vs 8 PM for the Yard. Saturday Peak hours for Dispensary are 4 PM vs 9 PM for the Yard

Porte-cochere and traffic flow-removed the drive aisle from the porte-cochere and established walkway paths in the new site plan.

Utilities will remain as is. The dumpsters will be relocated to a dedicated spot no longer under utility wires, which also doubles as a turnaround for the employee parking area. There will be two 3-yard containers which will be enclosed.

Lighting-In compliance with N.J. Admin. Code § 19:66-7.10. Additional lighting will be added to the south side of the parking area to ensure the 1 footcandle minimum illumination levels are maintained throughout the uncovered areas during non-daylight hours. 6 Sconces in design, on the building side facing Belmont to frame the ivy. The plan is to use 1.5-watt candelabra soft white bulbs, with 120 lumens, each. They'll all be on a dimmer and will not pose a problem for passing cars. Illuminated standalone sign is of the defused type and meets code 405-14(c)(13)(g)

Landscaping-No landscaping is currently in place for funeral home use and no neighbors are complaining. The change in use won't create dramatically different traffic peaks, so Molly Ann Farms doesn't feel they should be required to install new landscaping. In addition, landscaping may obstruct the view from the security cameras compromising their security plan.

Public and non-public access-reviewed color-coded plan of space and how there is segregation from cannabis and customers as per the state requirement.

Regarding Mr. Wostbrock's question on County and Fema Jurisdictions:

A complete copy of the site plan has been shared with Salvatore Presti, with the Passaic County Zoning and Land Use Board. A request for a letter of exemption was submitted.

Communications with Valda Opara, Passaic County NJDEP Engineer indicates that

Under N.J.A.C.7:13-7.15 Permit-by-rule 15 authorizes the construction of barrier-free access to a building, such as stairs, ramps, or fire-escapes, provided the conditions at N.J.A.C. 7:13-6.7 are met and the access is:

1. Required by a public entity.
2. Constructed in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.
3. Constructed outside any channel; and
4. Constructed outside a floodway unless location in the floodway is unavoidable. Where the access is unavoidably located in a floodway, it shall be oriented to minimize obstruction to flow and shall be constructed of material that will remain open to the passage of floodwaters, such as stairs and ramps that are open underneath and not placed on fill material.

Comments were opened to the public, but no members of the public were present.

Members of Board questions/comments:

Comments and questions were interjected with testimony and answered at that point in time. Some comments and questions were:

The dispensary currently located on Rte. 17 and the increased traffic flow associated with it.

How to control people consuming Marijuana in the parking lot? Haledon Police Officer will be present. Nobody is allowed to consume on the property.

Hours of operation-8am-10pm 7 days a week, may change depending on the peak times, off day? Not currently in ordinance. At some point may mimic alcohol.

Has Traffic been analyzed with respect to the school pick up and drop off times? Will eliminate entrance on Morrissey limiting it to an exit during this time.

Lot on Morrissey-Pilon sign on Belmont side ask for variance.

Signage-Height code is 7ft. Is there clearance under sign? You cannot walk under them, no safety issue present. Other signs on the building, facing Morrissey removed, sign parking for the yard facing Henry St, The Yard can park at the funeral parking arrangement that is not formal, want to be good neighbor would keep sign. Peak hours should not conflict.

Rich Borough Engineer-Gross area and square footage of retail space assumes you have a back area, 7100sf demands 71 parking spots. Variance is needed for 71 spaces, currently show 66 spaces, gross plus residential defines parking requirement. Molly Ann Farms states that the Code does not say gross area it states floor space. 2 spots removing curb cut entrance into premises reconfiguring parking lot, 1 Handicap spot to 3 spots, created turn around for employee parking lot, clear pathways.

Do you anticipate more traffic than Rise? We hope so, Rise has 10 spots. We chose this location because it has the largest retail parking in all of Haledon.

How will you dispose of Hazard Waste? Will follow all OSHA requirements for disposal although we really do not have Hazardous waste only household cleaners like sanitizer solution and bleach. Cannabis is not considered hazardous. If Cannabis is recalled, it will be a very small quantity and it will be destroyed under specific guidelines. Area will be labeled as Hazardous waste.

There will be only sales of cannabis no production on site. Applied for retail sales license only.

Are deliveries received on a weekly or daily basis? As needed so product does not run out. Security plan to address use on property. Violators will be prosecuted.

Will there be a smell of the outside of the building? No smell outside but will smell in the space.

Rich Borough Engineer addresses changes submitted in response to his May 25, 2022, review letter. Administrative review is complete given added changes. Survey indicates two separate lots 1 & 2. Tax map shows two. Per deed it is two lot. Shown as one on survey. Applicant should formalize consolidation of lots. Concerned with topography with current ramp and railing flared out creating a dangerous situation. Parking spaces impacted by ramp area not functioning. How high is step? Pretty high flaring is substantial. Find a solution that works safe for individuals walking in and out and cars. Effects potential number of parking spaces on site.

Repair guardrail. Fence proposal is reasonable with curb stops. Pick-up window. How will it function? Concerned about interaction of vehicles in parking lot and old traffic pattern line up at window. Need Striping or concrete planters to separate vehicles from people. Reinforce left turn so that vehicles see a visual barrier. Pillar entry to curb of porte-cochere make it safe.

Handicap spaces parking stalls drive isle should have a 24 feet pinch point. There less than 24 feet required for that type of layout. Reconfigure striping to eliminate pinch point. Refuse area moved to rear yard. Per code you have 3 front yards. Fence limitations on a front yard are 4ft to 3.5 ft. You are proposing 6ft fence around refuse. Since the

dumpsters are 3-yard containers you can make the height 4 feet. You will need a variance for type of material typically used in front yard to function as refuse container. Refuse is in a 45ft site triangle between two streets (intersection). Shift refuse to get out of that area. 170-1,2 A & C, 42-inch height requirement in front yard. Sign on Morrissey opposite side of street and predecessor to take down directions to funeral home-DPW. Reducing exits are a good change restricting access on Morrissey. Lighting design should be carried to all sides of the building. Employees need safe lighting plan as well as customers. Good distribution of lighting.

No questions from the public.

Mr. Rabolli explained how to move forward with the application. There are still issues with the site plan, however, you can move forward to approve the application, so the big picture is done, with conditions on odds and ends getting done later e.g., variances, parking, and dumpster placement.

L. Lantigua moved to approve the application based on testimony presented and on variances/changes that will be drafted up in the resolution. Seconded by R. Rivadeneira.

Roll call: Augustin, Iza, Lantigua, Rivadeneira, Rivas, Turi Yes

Application was approved subject to fine tuning. Rabolli will prepare the resolution, the resolutions will be memorialized at the July 28th meeting then it will be published. The timeframe begins after publication whereby the public has 45 days to appeal the decision from publication. Proceed at your peril regarding the sale of the property and construction. We need to have a final set of plans.

8. New Business: N/A

9. Old Business/ Pending applications:

**A. Site Plan/Application (Use Variance): SYG Realty Group LLC.
357 W. Clinton St. Haledon, NJ B: 108 L: 1.01 Attorney: Alan Mariconda
Esq./ Engineer: Evans Architects (Heard on May 16, 2022. See
correspondence Letter dated June 2, 2022)**

Due to a board member voting oversight, this application will be heard again on July 28, 2022 if there is a special meeting or on September 1, 2022.

10. Communications:

Motion to accept and file correspondence by: R. Rivadeneira seconded by: L. Lantigua.

Roll call vote: Yes, by acclamation Present were H. Augustin L. Lantigua J. Iza J. Morris R. Rivadeneira G. Turi L. J. Rivas

11. Approval of Requisitions:

Motion to approve **North Jersey Media Group bills for a total of \$300.78** by: R Rivadeneira, seconded by: L. Lantigua.

Roll call vote: H. Augustin L. Lantigua J. Iza J. Morris R. Rivadeneira G. Turi L. J. Rivas
No: 0

Motion to approve **Alaimo Group bills for a total of \$1700** by: R Rivadeneira, seconded by: L. Lantigua

Roll call vote: H. Augustin L. Lantigua J. Iza J. Morris R. Rivadeneira G. Turi L. J. Rivas
No: 0

12. General Public Portion: None Present

13. A motion was made by R. Rivadeneira to close the meeting, Second by Lantigua. by acclamation to adjourn the meeting at 9:35 P.M. All Yes. Present were H. Augustin L. Lantigua J. Iza J. Morris R. Rivadeneira G. Turi L. J. Rivas

Elva Ghalam
Borough of Haledon
Planning/Zoning Board Secretary