

**BOROUGH OF ROSELLE PARK**  
**FEBRUARY 26, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD**

**TO ORDER**

The meeting was called to order at 7:00 pm on February 26, 2024, in Borough’s Councils Chambers.

**OPEN PUBLIC MEETING ACT NOTICE**

Chairman Casalins recited the Open Public Meetings Act compliance notice and indicated that adequate notice of the meeting has been provided as required by law. As required by the Fire Prevention Code, and indicated the fire exits and the procedure to be followed in case of fire.

**ROLL CALL**

<b><u>Member</u></b>	<b><u>Classification</u></b>	<b><u>Status</u></b>	<b><u>Arrived</u></b>
Joseph Signorello III - <b>Mayor</b>	Class I	P	7:00 PM
Andrew Casais- <b>Vice Chairperson</b>	Class II	P	7:00 PM
Jay Robaina – <b>Councilmember</b>	Class III	P	7:00 PM
Jorge Casalins- <b>Chairman</b>	Class IV	P	7:00 PM
Nicola Cristofaro – <b>Member</b>	Class IV	P	7:00 PM
John Curia – <b>Member</b>	Class IV	P	7:00 PM
Loren Harms – <b>Member</b>	Class IV	P	7:00 PM
Kevin Kolbeck – <b>Secretary</b>	Class IV	P	7:00 PM
Michael Quiroga – <b>Member</b>	Class IV	P	7:00 PM
Christian Camilo – <b>Alternate Member</b>	Alt. Member 1	P	7:00 PM
Richard Templeton- <b>Alternate Member</b>	Alt. Member 2	P	7:00 PM
Darwin Romain- <b>Alternate Member</b>	Alt. Member 3	P	7:00 PM
Vrutti Patel- <b>Alternate Member</b>	Alt. Member 4	A	N/A

**SALUTE TO THE FLAG**

At 7:01 pm Chairman Casalins led those in attendance in reciting the Pledge of Allegiance.

**MINUTES**

Vice Chairman Casais moved to approve the following minutes, pending any corrections; seconded by Mayor Signorello III:

1. Meeting minutes of January 22, 2024

<b><u>Member</u></b>	<b><u>Aye</u></b>	<b><u>Nay</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>	<b><u>Not Voting</u></b>
Joseph Signorello III - <b>Mayor</b>	X				
Andrew Casais- <b>Vice Chairperson</b>	X				
Jay Robaina – <b>Councilmember</b>	X				
Jorge Casalins- <b>Chairman</b>	X				
Nicola Cristofaro – <b>Member</b>	X				

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John Curia – <b>Member</b>	X				
Loren Harms – <b>Member</b>	X				
Kevin Kolbeck – <b>Secretary</b>	X				
Michael Quiroga – <b>Member</b>	X				
Christian Camilo – <b>Alternate Member</b>	X				
Richard Templeton- <b>Alternate Member</b>	X				
Darwin Romain- <b>Alternate Member</b>	X				
Vrutti Patel- <b>Alternate Member</b>			X		

**PUBLIC PORTION**

Chairman Casalins opened the public comment portion of the meeting by unanimous consent of the Board at 7:04 p.m.

With no comments from the public, Chairman Casalins closed the public comment portion of the meeting by unanimous consent of the Board.

**NEW BUSINESS**

Applicant: Jagdishbhai Patel

- Application #2024-001
- 315 West Webster Avenue, Block 128, Lot 1
- *Application for C-1 variance to allow freestanding air conditioning equipment*

At 7:05 pm, Chairman Casalins invited the following applicant to the stand where Mr. Patel and his son Jay Patel were sworn in. Mr. Patel gave a brief description of the proposed addition on the side of their house. He explained the split AC unit does not meet the standards on the side of the house.

Board planner, Ronald Reinertsen, PP, AICP, explained that the property is a small corner lot, with a narrow passageway and a 3 feet setback. He explained the applicant is going for hardship variance as there is not enough space to accommodate the freestanding AC unit in the backyard. The applicant is willing to add additional screening and landscaping to the AC unit as a buffer. For the specifics on the landscaping criteria, the applicant would touch base with Collier’s engineer.

Councilman Robaina motioned to approve the application; seconded by Kevin Kolbeck.

<b><u>Member</u></b>	<b><u>Aye</u></b>	<b><u>Nay</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>	<b><u>Not Voting</u></b>
Joseph Signorello III - <b>Mayor</b>	X				
Andrew Casais- <b>Vice Chairperson</b>	X				
Jay Robaina – <b>Councilmember</b>	X				
Jorge Casalins- <b>Chairman</b>	X				
Nicola Cristofaro – <b>Member</b>	X				
John Curia – <b>Member</b>	X				
Loren Harms – <b>Member</b>				X	
Kevin Kolbeck – <b>Secretary</b>	X				

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Michael Quiroga – <b>Member</b>			X		
Christian Camilo – <b>Alternate Member</b>	X				
Richard Templeton- <b>Alternate Member</b>			X		
Darwin Romain- <b>Alternate Member</b>			X		
Vrutti Patel- <b>Alternate Member</b>			X		

Applicant: Cannabis MD, LLC (441 Westfield Ave LLC)

- Application #2024-002
- 441-443 East Westfield Avenue, Block 1113, Lot 1
- *An application seeking Preliminary and Final Site Plan Approval for a D(3) use variance and “C” variances, to convert the existing commercial building into a Cannabis Retail Store.*

At 7:12 pm, Chairman Casalins recused himself, having Vice Chairman Casais lead the remainder of the meeting. Vice Chairman Casasis invited the applicants attorney, Steven Merman, Esq., to the stand. Mr. Merman began by requesting the need for a D3 use variance be dismissed as he states cannabis retail is a permitted use in the zone as per the Cannabis Ordinance.

Mr. Reinertsen explained the difference in the standards in the use variance and explained why he suggested the applicant apply for a D3 variance.

Board attorney, Steven R. Tombalakian, Esq., advised the Board they would need to make a decision on whether or not the application constitutes a D3 variance.

The Board voted that a D3 variance was not needed by the applicant, with Mayor Signorello III making a motion and Kevin Kolbeck seconded the motion.

With that, Mr. Merman continued his testimony by giving a brief overview of the application stating that it was a precious medical office in an ROB zone and they are proposing to convert the medical office building to a cannabis retail store.

Hr explained the variance they are seeking is a relief from parking standards, as they currently have 12 parking spots whereas 35 spots are required. He also explained that the applicant is in the process of changing their name from Cannabis MD, LLC, as the Cannabis Ordinance states they cannot have Cannabis in the name. They also will adhere to the signage regulations.

Mr.Merman continued to explain that they do have a security plan in place but with the approval of the Board they would like not to disclose any specific information of the plan as it can be a risk to the business. The proposed plan will be available for review to the Chief police upon approval, and the business is working with the Cannabis Regulatory Commision (CRC) to ensure the security plan adheres to the regulations set by the CRC.

Mr. Merman explained they are seeking relief from 4 variances which are, front yard, side yard, parking, and minimum street frontage. Mr. Merman invited his first witness to the stand, Alex Todd, who is the owner of the store and was sworn in. Mr. Todd gave a brief description on his role and explained he has a Class 5 license with the state of New Jersey, and that they are expecting to have the name of the store changed for the signage within a month, pending board approval. He explained that he would like for the store to be ready for opening in the summer. Mayor Signorello III asked is there will be any renovations done, in which Mr. Todd answered mainly on the inside, but minor cleanup and on the outside. Mayor

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Signorello III asked if potential customers would be able to use the product on site, whereas Mr. Todd answered they would not be allied to and they will have signage on the property saying so.

Mr. Todd explained his beliefs on why he believed this would benefit the community in its tax revenue generated from the proposed site, as well as offering clean cannabis to the community. He explained the hours they are allowed to operate is Monday through Sunday, 9 am to 9:30 pm. He is proposing to have a total of 3 to 6 employees, as most of the services will be through screens. He explained, he is planning to offer delivery services that would allow for less strain on parking and walk in traffic.

Vice Chairman Casalins explained that the main issue with the residents and a main concern of the Board is security, and while he understands that he cannot discuss the details of the security plan, he would like for the owner to make a commitment to ongoing security measures. Mr. Merman explained that the applicant will be willing to instill any additional security conditions as part of the resolution pending approval.

Mr. Merman introduced his second witness, Eric Rupna, the applicant's engineer. Mr. Rupna was sworn in and began his testimony and handed out Exhibit A-1 entitled, Site Plan Revised 1/30/24. Mr. Rupna gave a brief description of the plan set, and explained the lot size and parking lot. He explained the sidewalk would be removed and reconstructed to meet ADA ramp guidelines. He also went over the exterior renovations that would be made at the site.

Mr. Reinertsen went over his planning report, noting that the cannabis facility to be around 500 ft of a park.

Borough engineer, Robert Beringer, stated that most of the comments in their report were satisfied due to the expert's testimony. It was asked what they planned to do with the existing asphalt sidewalk, in which Mr. Rupna explained that they would be resealing the sidewalks as they are structurally okay.

Mr. Merman introduced his third witness, Jeremy Finnell, the applicant's architect. Mr. Finnell was sworn in and began his testimony by explaining the conceptual site plan. He then explained the exterior plans and the changes to the building, which included repairing broken facades.

Mr. Merman introduced his fourth witness, Elizabeth Dollan, the applicant's traffic engineer. Ms. Dollan gave a brief summary of turnover of activity at the site. She explained that the trip generation looks at the peak volume of traffic on an hourly basis. She explained that she observed 44 total trips, and 66 trip totals on the weekend, but that delivery would reduce the amount of time on site. She explained that the time spent on site is estimated to be from 10 to 15 minutes, and the turnover is quick. She concluded that the site would need 8 to 9 spaces based on the computation and observation done. She explained that there is on street parking and the parking situations wouldn't be intense, especially as the number of dispensaries being created has drastically risen over the past couple of years.

Vice Chairman Casais asked for clarification if the 8 to 9 parking spaces were including employees, in which it was answered it was including customers and employees. Mayor Signorello III explained that the amount of 35 parking spaces required in the ordinance was established during earlier times when there were fewer dispensaries which saw a large amount of foot traffic. He also asked for examples of office buildings with a higher foot traffic, in which it was answered dermatologist, orthodontist and dentist offices. Vice Chairman Casais explained that the street was a 1 way street and proper signage would be needed to direct traffic, in which Mr. Merman expressed the applicant would be willing to discuss the matter in depth with the Police Chief.

Mr. Merman introduced his fifth witness, Alex Dougherty, the applicant's planner. Mr. Dougherty was sworn in and introduced Exhibit A-2 to the Board entitled, 7 Slide Planner Presentation. He explained that the applicant is seeking bulk and design requests. He explained that cannabis is stricter than liquor and

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has a lot more requirements to create a liquor store. He also clarified that the proposed site will be 497 ft away from a park instead of the 500 ft previously reported by the Board's planner. He explained that the site can accommodate more parking and listed the permitted uses (educational, community, computer training and commercial banking) all which would have comparable or more demand. He also explained that a Class 5 cannabis retail is permitted in the zone. He explained that there wouldn't be a substantial detriment as their systems would be approved and regulated by the CRC, they can reduce travel to the site with a delivery option, and it is close to public transit. The owner would be adding trees and landscaping to the area, and providing a general cleanup of the site, creating an adaptive reuse of the space. They will be adding security to the space which would be another positive aspect as there will be cameras on the roads nearby. There will be no obnoxious orders, as there are required ventilation requirements and all the product is sealed and packaged and won't be used on site.

Michael Quiroga asked about the landscaping in which it was answered that new trees would be planted around parking stalls, Mayor Signorello III asked on the type of businesses that would be more intense for the site, in which Mr. Doughtry explained that a mixed use building or bank would be a more intense use of the space. Michael Quiroga asked for clarification on the hours of operation in which it was answered Monday through Sunday, 9 am to 9:30 pm. Mr. Merman explained that these hours are not set in stone but are hours they can't operate outside of.

Mr. Reinertsen went through the comments on his planner's report and asked for clarification on whether there are 2 frontages, in which Mr. Merman explained they will agree to the site having 2 frontages.

Mr. Todd explained the product arrival process and deliveries, explaining that deliveries will not be an overwhelming amount and will be done at the beginning of the day. He expressed that there will be no raw cannabis on site and everything is pre packaged, and they will not be growing or making cannabis at the site. The applicant's architect also explained that there will be no odors as an odor mitigation system is required by the CRC and the cannabis ordinance and will be inspected by the Health Department.

At 8:40 pm, Vice Chairman Casais opened the floor for public comments.

Elizabeth Dollan- 458 Colonia Road- Expressed her opposition to the proposed application. She also asked for clarification on the number of employees, a truck on Colonial Road to deliver to the site, the insufficient parking that will spill over to the streets creating an even worse parking situation. Vice Chairman Casais explained that the number of employees would be 3 to 6, and that would include the security and delivery person.

Natasha, 467 Ragland Drive- Expressed their opposition to the proposed application. Explained that the proposed application was a bad idea, the traffic in that area is bad, especially with the apartments not opened yet. Parking was already a problem with the tenants before, explaining how many times the owner would park on their property. The town already has a dispensary (Breakwater site) ; he believes they do not need another one.

Frank Trezza, 479 Ragland Drive- - Expressed their opposition to the proposed application. He asked how much tax revenue the town would be potentially receiving from this application. He explained that nobody in the town wants this, people go against the one way all the time already and it would just get worse. He explained that people will begin using the product out in the open where children play on the street. He explained that they should put the dispensary in the new apartment buildings on Westfield Avenue, not in a residential neighborhood as their property values will go down. The Mayor explained they were receiving a 2 % tax revenue, in which the Board attorney explained that the Board's job does not entail taking into consideration the potential tax revenue generated.

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Jack, 452 Colonial Road- Expressed their opposition to the proposed application. Expressed concern of the unloading trucks and where they would occur, as well as the possibility of people parking in front of their house as the parking situation is bad.

Perrira- 472 Colonial Road- Expressed their opposition to the proposed application. He explained that he built his house with his own hands and wouldn't be able to resell it due to the effects of having a dispensary close by bringing his home value down. He explained that by allowing a dispensary to operate across the street from a residential area it would allow for drugs to be in their neighborhood.

Roseanne Antonuccio Lyons, 419 Chestnut Street- Expressed their opposition to the proposed application and asked the Board to reconsider approving the application. She explained that the town does not want a dispensary, and that they should hold themselves to a higher standard than the other towns that are allowing it. She expressed how the dispensary would be located within 500 ft from a park and that if the parents knew they would be upset, just as the neighborhood would be if everyone knew about the proposed application. It was clarified by the Board's attorney that the applicant is required by law to send out certified mailing to each property owner within a 200 ft radius of the site, which they did.

Oscar, 447 Colonial Road- Expressed their opposition to the proposed application. Explained that they live directly across from the property and have been a resident for 20 years. They explained that the area has really bad parking which would be exacerbated due to the proposed dispensary, and that no one can guarantee customers won't use the product around their homes. She explained how she came from Boroklyn, NJ because she didn't want her kids to be around drugs and bad influences and believed this to be a good neighborhood.

Joe, 475 Ragland Drive- Expressed their opposition to the proposed application. Went on to explain their issues they currently have with parking and traffic, and their belief that the business will exacerbate the current issue. He expressed this business would not be good for the residents in the surrounding area.

Marianne, 141 Charlotte Terrace - Expressed their opposition to the proposed application. Went on to explain the business wouldn't be a good use for the general area, due to it being primarily residential. Believes the town can't promise they can control what the people do when they come out of the dispensary, and is worried people will use the product around their properties. Believes that there shouldn't be one in Roselle Park, and the dispensaries in the surrounding towns are enough. Explained that the [ark is packed with kids and children, and believes that many parents wouldn't like the idea of a dispensary being nearby. Also expressed there was already a prior problem with parking, as employees of the previous business would park on their street.

Maria, 462 Colonial Road- Expressed their opposition to the proposed application.

Mary Lousie, 477 Ragland Drive- Expressed their opposition to the proposed application. Explained they have a 9th grader and a 2nd grader and doesn't want a dispensary in their area. She explained that with the dispensary operating as late as 9:30 pm, this will allow for negative activity during the evening when it gets dark.

Jorge Casalins, 122 Bender Ave- Expressed their approval of the proposed application stating the tax revenue would benefit the town and that the public entrance would be on Westfield Avenue limiting traffic on the side streets.

At 9:26 pm, Vice Chairman Casalins closed the public portion of the meeting with a unanimous consent of the Board.

At 9:27 pm, Mr. Merman gave his final remarks, explaining that according to the ordinance the use is permitted in the area and their reasoning for appearing in front of the board is for bulk and parking

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variances, not the use of the site. He further explained their burden of proof about the variances and they will cooperate with the Borough and the police department regarding the parking situation if they need to add more parking.

Mayor Signorello III motioned to approve the application; seconded by Richard Templeton.

<b>Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Not Voting</b>
Joseph Signorello III - <b>Mayor</b>	X				
Andrew Casais- <b>Vice Chairperson</b>	X				
Jay Robaina – <b>Councilmember</b>					X
Jorge Casalins- <b>Chairman</b>			X		
Nicola Cristofaro – <b>Member</b>	X				
John Curia – <b>Member</b>	X				
Loren Harms – <b>Member</b>				X	
Kevin Kolbeck – <b>Secretary</b>	X				
Michael Quiroga – <b>Member</b>	X				
Christian Camilo – <b>Alternate Member</b>	X				
Richard Templeton- <b>Alternate Member</b>	X				
Darwin Romain- <b>Alternate Member</b>	X				
Vrutti Patel- <b>Alternate Member</b>					X

**FOR THE BENEFIT OF THE BOARD:**

Vice Chairman Casais noted the following for the benefit of the Board:

The next regular meeting of the Municipal Land Use Board will be:  
Monday, March 18, 2024 at 7:00 p.m.

**ADJOURNMENT**

At 9:54 p.m. Mayor Signorello III moved to adjourn the meeting; all members present voting Aye, said motion was adopted.

Attest:

Talia Smith  
Borough Clerk

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