

ROSELLE PARK MUNICIPAL LAND USE BOARD
REGULAR MEETING – JUNE 24, 2024 MINUTES

CALL TO ORDER

The meeting was called to order at 7:02 pm on June 24, 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

<u>Member</u>	<u>Classification</u>	<u>Status</u>	<u>Arrived</u>
Joseph Signorello III - Mayor	Class I	A	N/A
Andrew Casais- Vice Chairperson	Class II	A	N/A
Jay Robaina – Councilmember	Class III	A	N/A
Jorge Casalins- Chairman	Class IV	P	7:02 PM
Nicola Cristofaro – Member	Class IV	A	N/A
John Curia – Member	Class IV	P	7:02 PM
Loren Harms – Member	Class IV	A	N/A
Kevin Kolbeck – Secretary	Class IV	P	7:02 PM
Michael Quiroga – Member	Class IV	P	7:02 PM
Christian Camilo – Alternate Member	Alt. Member 1	P	7:02 PM
Richard Templeton- Alternate Member	Alt. Member 2	P	7:02 PM
Darwin Roman- Alternate Member	Alt. Member 3	P	7:02 PM
Vrutti Patel- Alternate Member	Alt. Member 4	A	N/A

SALUTE TO THE FLAG

At 7:03 pm Chairman Casalins led those in attendance in reciting the Pledge of Allegiance.

MINUTES

Michael Quiroga moved to approve the following minutes, pending any corrections; seconded by Darwin Roman:

1. Meeting minutes of May 20, 2024

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

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Michael Quiroga – Member	X				
Christian Camilo – Alternate Member	X				
Richard Templeton- Alternate Member	X				
Darwin Romain- Alternate Member	X				
Vrutti Patel- Alternate Member				X	

MEMORIALIZING RESOLUTIONS

Darwin Roman moved to adopt the following resolution, pending any corrections: seconded by Richard Templeton:

1. Resolution for:
 - a. **R. 2024-012:** Applicant: Piece of Cake Moving
 Application #2024-006
 172 & 180 Westfield Avenue, Block 609, Lot 2.02, 2.03

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

PUBLIC PORTION

Chairman Casalins opened the public comment portion of the meeting by unanimous consent of the Board at 7:03 pm.

Jerry Beltre at Ragland Drive, stated he is opposed to the applicant Cannabis MD, LLC. He explained that while the applicant’s proposed location is in an ROB zone, the area is still mainly residential and shouldn't be there.

Kevin Murphy at 115 Pershing Avenue , stated just because things are legal doesn’t mean it should have a business in the area.

Luis Shazia at 209 East Grant Avenue, asked the question of whether the borough needs another dispensary and if that dispensary would be beneficial to the borough. He asked the Board and

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those in attendance for ideas on attracting a variety of businesses that would help the overall downtown area thrive.

With no further comments from the public, Chairman Casalins closed the public comment portion of the meeting by unanimous consent of the Board at 7:13 pm

NEW BUSINESS

- *Referral of Ordinance No. 2780, ‘An ordinance Amending Chapter 40, Section 3005 of the Code of the Borough of Roselle Park Entitled, “Driveways”’*

Board planner, Ronald Reinstein, briefly explained the contents of the ordinance being proposed to the Board. With no further comments or questions, Chairman Casalins asked for a motion from the Board.

Richard Templeton motioned to send the following Ordinance back to council without any further comments to the Governing Body; seconded by Christian Camilo.

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

- *Draft of Amended Municipal Land Use Bylaws in regard to duration of public comments.*

Board attorney, Steven Tombalakian, presented the amended Bylaws, which included implementing a time limit regarding the public portion of the Municipal Land Use Board meetings to 4 minutes.

Richard Templeton motioned to approve the amended ByLaws ; seconded by Kevin Kolbeck.

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

- *Applicant: Botera JC, LLC*
 - *Application #2024-007*
 - *1 East Westfield Avenue, Block 910, Lot 1*
 - *A site plan application requesting an interpretation of Section 40-2302.C.2.b of the Code, a D(3) Conditional Use variance application with a C variance and a design waiver.*

Chairman Casalins invited the applicant’s attorney, Joseph A. Paparo, esq., to the stand and was sworn in by Board attorney, [Steven R. Tombalakian](#).

Mr. Paparo began his testimony by stating they will be withdrawing their request for an interpretation and will comply with a conditional use variance, pending approval. He explained that they will be requesting a site plan approval and a conditional use approval. He explained that the applicant is proposing to reuse an existing building which previously was a Wells Fargo bank, and is proposing to convert the first floor into a Class five recreational dispensary.

At 7:23 pm, the attorney introduced the applicant's first witness, Noel Musial, the applicant’s project architect. Mr. Musial gave a brief description of the interior renovations and provided an overview of the conversion of the first floor. He gave a description of the exterior of the building, noting what renovations would be done while also discussing the interior layout and circulation of the building. When discussing the interior of the building, Mr. Musial demonstrated the flow of everyday business activities. Mr. Musial introduced Exhibit A-1 consisting of floor plans with hatching; Exhibit A-2 consisting of color building elevations; and Exhibit A-3 consisting of color rendering. Mr. Musial explained that they will comply with all building code requirements, and have no objections to any of the comments or requirements in the engineer and planning report. Regarding the possible issue of odor, Mr. Musial explained that the applicant will be following all Cannabis Regulatory Commission (CRC) guidelines, which include installing an odor mitigation system which will need approval from the state and municipality. Mr. Paparo explained there would likely be little to no odor as everything is prepackaged. Chairman Casalins asked the applicants council what are the plans for the second floor, in which it was answered that there will be nothing there regarding this application.

Mr. Paparo introduced the applicant’s second witness to the stand, Jemin Patel, a representative of Botera JC, LLC. Mr. Patel gave a description of the day to day business, including the roles and responsibilities of those working for the proposed business. He explained that they have stores in Massachusetts, and

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have been in the cannabis business for four years. He referred to the letter of support from the Borough that was included in the packages to the commissioners. He reiterated that they will comply with all local ordinances and CRC guidelines. Mr. Patel gave a description of the daily business operations while referring to Exhibit A-1. He split the daily operations into four parts which are security, sales floor, the vault and purchase areas. He explained that the security vestibule checks people in and checks ID's; on the sales floor he explained that is where the consulting happens and it is approximately 1,600 sq. ft. which can hold 30 people; the vault is where the virtual cart is sent to and all the products are stored. He explained that with the vault only a few employees have access which is monitored and logged, and they package the orders that are sent from the sales floor and send the packaged goods through the window to the cashier area. The final part of the process is the payment, which is done at the cashier area. He explains the business operations allows for a streamlined process creating a quicker turnaround than the more traditional dispensaries in the area. He explained the store hours would be from 9 am to 9 pm, with the expected peak days being Friday and Saturday. He stated there will be 4 regular employees during regular hours, and 6 employees during peak times and days. Mr. Patel explained that there is a second set of doors upon entering operated by a buzzer system, and the customer can only get through once their ID is checked. He explained that IDs are checked twice, the first being at the second set of doors before being buzzed in and the second being before purchasing at the cashier area. Mr. Patel explained that it was recommended by Roselle Park police chief to have an armed security guard, which they will comply with. Mr. Patel went on to explain their ordering system explaining that 50% of orders are online orders. He explained their delivery system explaining that they use the SEED to Sales system, which tracks the product from when it is being grown in the manufacturer warehouse to when the finished product is delivered to the business. Mr. Patel explained the delivery process stating they receive three to four deliveries per week in a sprinter van. They receive a courtesy call 15 minutes prior to deliveries to allow for a seamless delivery experience and the necessary staff can prepare for the order. He explained that the deliveries are usually less than a dozen small boxes. He explained the necessary staff will be in charge of counting the product and making sure all the product is there physically. He clarified that the delivery process would take place away from the showroom with the whole process lasting approximately 15-20 minutes. He explained that the garbage would be picked up one to two times throughout the week in a private hauler. Regarding the parking variance, Mr. Patel explained the applicant has no parking but they entered into a lease with the Borough for 20 parking spots which he justified as being sufficient as the customer turnover is a quick. Mr. Patel explained the applicant would have no issues complying with the planning and engineer report.

Chairman Casalins asked when Botera JC, LLC started, in which Mr. Patel answered it started in 2019 in Massachusetts.

Board planner, Ronald Reinertsen, stated he was satisfied with the testimony given. Board Engineer, Robert Beringer, asked about their plan in the event of an emergency situation. Mr. Patel explained that they would contact the police and that they are required by the CRC to create a formal report in any incident that may occur. Mr. Patel explained that they have agreed to add more cameras due to police concern.

Kevin Kolbeck asked about the security during the delivery process in which Mr. Patel explained that along with 2 employees tasked with greeting and obtaining the product from the delivery truck, they will be accompanied by one armed security guard and one employee will always be with the vehicle.

Mr. Paparo introduced the applicant's third witness to the stand, Christian Cueto, the applicant's civil engineer. Mr. Cueto went through the site plan packet which was sent to the commissioners as part of the application package. He went through and discussed the site plan and the existing conditions, as well as the variances being requested. He went through the plan for the parking area and referenced the parking analysis and traffic impact study. He explained that on various occasions he observed available parking spots. He explained that there was a larger peak hour for a bank than a dispensary. He discussed the lighting plan that was mentioned in the engineer report, explaining they will be proposing lighting around the perimeter of the store, and they will ensure there is no negative impact to the surrounding area.

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Mr. Paparo introduced the applicant's fourth witness to the stand, Gabe Bailer, who is the applicant's planner. Mr. Bailer reviewed both the Master Plan and the cannabis ordinance. Mr. Bailer introduced Exhibit A- 4 consisting of a photo array, and Exhibit A-5 consisting of branding/logo images. He explained that the proposed dispensary is in a B2 zone and there are 19 conditions to open a retail dispensary business. He explained Botera JC, LLC does not comply with 3 which are, 35 required parking spots, location of retail being 1,500 ft within a school, and the rear yard setback rear yard. He explained that they provide a sufficient amount of parking spots for the business they are proposing, and that the property has been vacant for 6 years and the proposed business is bringing a beneficial opportunity to the Borough and the surrounding area. He explains why he believes the C1 variance is met in terms of hardship. He discusses the three proposed signage shown in Exhibit A-5, expressing the sign doesn't violate the cannabis signage ordinance. Regarding the schools, he explained a middle school is 856 feet away from the proposed dispensary and a preschool is 780 feet away, but in his opinion there are no concerns as everything is discrete and no one under the age of 21 would be let in the dispensary. He also explained that while there is an ordinance that a dispensary cannot be within 4000 feet of each other, Breakwater facility does not count as it is a medical facility and doesn't violate the regulation. Michael Quiroga asked about the side door in which Mr. Bailer explained that it was the ADA door.

At 8:53 pm the Board entered into a five minute recess by unanimous consent of the Board. At 9 pm the Board returned from a recess with unanimous consent of the Board.

Chairman Casalins stated that public questions and comments would not go past 10 pm, and with unanimous consent of the Board opened the floor to public questions.

Jorge Rameriez at 500 East Clay Avenue, questioned the traffic impact study, asking when was the study done as a new Bar opened up recently which could have affected the findings of the report. He also asked about the 15 minute parking area in instances it may be occupied during deliveries. He also stated that Breakwater is a dispensary regarding the issue of dispensaries not being able to be a certain amount of feet apart.

Mr. Cueto responded that the traffic study was not done on site but instead a comparison metric was used to show the difference between the proposed use and the past use, which would be unaffected by the locations surroundings. Regarding the deliveries, Mr. Patel explained that they will know ahead of time when a delivery is expected so they would be able to deal with the issue regarding unauthorized use of the 15 minute spot, if a situation as such may arise. He explained that when they receive the 15 minute courtesy call, employees will go out to the spot and block it off while awaiting the arrival of the van. Mr. Paparo also explained that technically the Breakwater facility at that date is not a dispensary.

Elibet Montero at 480 Ragland Drive, asked if the opening of a dispensary could affect federal funding received for schools? He also asked how the business will be sustainable if there is an oversaturation in the market and who their target audience is. He also asked if this is the same business that is in Elizabeth.

Mr. Patel responded explaining their target audience is anyone 21 years or older and that they have assessed the risk of opening a business in the area and have found they can remain competitive.

Diana Montero- Greenspan at 480 Ragland Drive asked what time slots they would be expecting deliveries and if it would coincide with school hours or when the kids are walking home from school. She also expressed that the Youth Center nearby the proposed location is also a school. She also asked the applicant why they chose that property, which she noted is right next to a Youth Center and near two schools.

Mr. Patel responded explaining that they can block off certain time slots to avoid when schools are let out and that the Youth Center isn't considered a school. Mr. Patel also answered that they looked at the proposed real estate in the area and they narrowed it down to the current proposed location while also looking at the demand in the area.

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Ed Baskewich at 131 Bender Avenue, elaborated on the classification of the Youth Center as a school, stating the Youth Center serves a large part of the population in the Borough. He also asked about what protections are offered to ensure the general population won't be exposed. He also expressed concern over the parking.

Mr. Patel explained that the business is not geared towards kids and does not have packaging that attracts kids, and that the building is private and discreet. He also explained that the parking lease with the Borough is sufficient as customers usually don't spend too much time in the store and a majority of the orders are done online.

Melanie at 624 Donald Place, asked how they intended to prevent use of their product outside their store and loitering. She also asked how they would know which customers were violating guidelines, he also asked about security and their responsibilities, why they were requesting variances for the business and suggested the leaf on the proposed sign looks like a marijuana leaf.

Mr. Patel explained that there are strict no littering guidelines as well as security and camera monitoring which can be accessed by the state 24/7. He explained there is a level 1 intervention form to ensure it doesn't happen and the police will be contacted as well as the incident being reported in their system as well to the state. Mr. Patel also explained that they have the name and address of all customers due to their license, and if the situation escalates they will instill a lifelong ban on the customer. Mr. Bailer explained the variances they were requesting and why it was necessary.

Betty Woodruff at 134 Bender Avenue, asked about the hours of operation, the finances and how much of a tax cut was the Borough receiving from the business.

Mr. Patel responded that the hours of operation were from 9 am to 9 pm. Chairman Casalins explained there was 2% tax collected on the business and gave a general description on what the process would look like.

George Rameriez at 500 East Clayton Avenue, asked if they were accepting cash only or debit and credit?

Mr. Patel answered they can't accept credit but will accept cash and debit.

Elizabeth Smith at 618 Myrtle Avenue, asked about security, stating she believed they were required to have more security under the ordinance than what they are proposing.

Mr. Paparo explained that the security plan is under discretion of the Police Chief. Mr. Reinertsen explained that there is no number limit on the number of security officers required in the ordinance. He also explained they must submit a security plan to the police chief for approval every two years.

At 9:38 pm, with no further questions from the public, Chairman Casalins closed the floor for public questions and opened the floor for public comments by unanimous consent of the Board.

Councilwoman Roseanna Lyons at 419 Chestnut Street, explained she was against the proposed application saying she doesn't believe the community needs any drugs and when the cannabis ordinance was presented to council she voted against it in 2023. She explained that she spoke to businesses on Chestnut Street and Westfield Avenue and they are against the proposed business as well. She also went on to explain the damaging effects drugs can have on kids.

Robert at 809 Chestnut Street, explained he has been a part of the community for 50 years and held numerous titles on the planning and zoning board for the Borough for over 40 years. He commented his disapproval for the application explaining the Borough does not need another dispensary within a short distance from each other and that it is too compact for a small town.

Jessica at 246 Magie Avenue, explained she lived in Elizabeth previously and made the effort to move out of a town she perceived as dangerous to Roselle Park because it was a cute small town. She expressed her hope that the commissioners will vote against the application.

Evan Gardgo at 477 Ragland Drive, expressed his opposition to the application explaining it would cause

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more traffic congestion and the potential rising crime in the area. He also expressed how the process in general should be more transparent and allow for more community involvement.

Daniel at 530 Lincoln Avenue, expressed their approval for the dispensary stating they believe it to be the same as bars and talked about the benefits of dispensaries and federally regulated cannabis.

Sarah at 426 Hemlock Street expressed her support for the dispensary stating it's her job as a parent to make her child aware of the dangers of drugs. She also explained that having dispensaries allows for safe cannabis use and the town needs the tax revenue.

Mariann Brennen at 141 Charlotte Terrace expressed her opposition for the proposed application stating that she worked in narcotics for 25 years and she has seen what drugs does to a community. She also stated that the diner on Westfield Avenue was denied a loading zone, there's no one to enforce parking and that other businesses don't have leases for the Borough for additional parking spots.

Marigrace Mastapeter at 400 Faitoute Avenue, expressed her opposition to the proposed application explaining she sees people everyday using cannabis and its bad for the community.

Paul Baiamonte at 32 East Clay Avenue, expressed his opposition of the proposed application stating the location isn't ideal with the Youth Center being 400 ft away. He also explained that they should look into a different location and that parking lot 1, which is the lot the business has leased parking spots at, is already overflowing especially on the weekend due to the Costa's restaurant and the new bar/ restaurant Dowlings. He expresses the applicant should at least look into leasing parking spots in the Meriedia building across the street.

At 10:11 pm, with no further comments from the public, Chairman Casalins closed the floor for public comments by unanimous consent of the Board.

Mr. Paparo gave his closing remarks to the Board and expressed the applicant is willing to add an additional armed and unarmed security personnel pending approval of the police chief.

At 10:15 pm, Mr. Tombalakian, gave a summary of the conditions that would be implemented in the event of an approval which include an updated lighting plan that met the recommended specifications of the Board's engineer, removal of the leaf in the logo, and the addition of two security guards. The Applicant is encouraged to discuss relocating its leased municipal parking spaces to the newly available public parking spaces located directly across Westfield Avenue (this is not an approval condition, only a suggestion).

With no further comments or questions from the Board or the professionals, Chairman Casalins opened the floor for a motion.

Richard Templeton motioned to approve the application; seconded by Kevin Kolbeck.

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

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Christian Camilo – Alternate Member	X				
Richard Templeton- Alternate Member	X				
Darwin Romain- Alternate Member	X				
Vrutti Patel- Alternate Member					X

FOR THE BENEFIT OF THE BOARD:

Chairman Casalins noted the following for the benefit of the Board:

The next regular meeting of the Municipal Land Use Board will be:
Monday, July 15, 2024 at 7:00 p.m.

ADJOURNMENT

At 10:19 p.m. Christian Camilo moved to adjourn the meeting; all members present voting Aye, said motion was adopted.

Attest:

Talia Smith
Borough Clerk