

**CALL TO ORDER**

Mr. O'Leary called the meeting to order and stated it was open to the public in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

**FLAG SALUTE****ROLL CALL**

**Members present:** Hughes, Corcoran, Didyk, Taylor, Van Sickle, Aikens, Potter, Madewell, O'Leary.

**Members Excused:** Suljic,

**Members Absent:** Leuthe.

**Also Present:** Ursula Leo, Esq.  
David Banisch, PP

**MINUTES:** June 28, 2018

A motion to approve the minutes of the June 28, 2018 meeting with the noted correction was made by Mr. Corcoran. It was seconded by Mrs. Aikens and passed with a roll call vote. Ayes: Hughes, Corcoran, Taylor, Van Sickle, Aikens, Potter, Madewell, O'Leary.

**COMPLETENESS / HEARINGS / CONCEPT:****1.) The Med Room**

Mr. O'Leary noted that the Township Committee had introduced an ordinance to permit cannabis growing, production and manufacturing as a conditional use in the R-5 zone.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Adam Zweibel said he is with The Med Room. He and his partners are seeking to grow medical marijuana at 152 Hampton House Road, which currently has a 60,000 square foot green house on 20 acres. He said the green house is setback 900 feet off Route 206. He said they will not be dispensing the product. Mr. Zweibel said the State is moving forward with the application process. He said they have secured a place to dispense in Essex County. He said the application process is very competitive however, he feels he is in a good position to get a license. Mr. Zweibel explained the vertically integrated licensing process. Ms. Leo explained that the State is currently considering medical use only.

Mr. Banisch said the Board could either consider it as a conditional use or as an overlay zone. There was a discussion on the location of the existing greenhouse. Mr. Banisch asked if there is an odor from the product. Mr. Zweibel said the flowering stage produces an odor. He explained the growing process. He said the plants are kept inside the greenhouse.

Ms. Didyk asked about Mr. Zweibel's background, which he explained to the Board. Mr. Zweibel explained the new technology with the venting of the greenhouses. He explained the processing procedure to the Board. He said there is nothing left over after the processing. Mr. Zweibel said they are going to retrofit the existing greenhouse. He explained the security measures and lighting proposed for the property. They will abide by the State's regulations. They will have controlled access. He said the site will be locked down and hopefully nobody will know it is there.

Mr. O'Leary expressed a concern about the proximity to the residential zone. He asked how far the growing area is from the neighboring house. Mr. Zweibel said it is about 1200 feet. Mr. O'Leary suggested conditions as to the distance. Mr. Banisch asked if there is a police station to which Mr. Corcoran said it is less than a mile away. Mr. Banisch suggested a conditional use that it be within a certain distance from a police station.

Mr. Taylor felt the use is agricultural and would be governed by the Right to Farm Act. Mr. Zweibel said because it is illegal under federal law, the Right to Farm Act does not apply. Mr. Banisch felt the ordinance shows the commitment of the governing body.

Ms. Didyk felt that the restriction of being close to a police station is not required if the site is safe and secured. Mr. Banisch felt if it is permitted throughout the R-5 zone, there may be concern from the public. If the standard is in place, it limits where the site can be considered. Mr. Hughes felt there needs to be specific criteria so this type of facility is not all over the town.

Mr. Zweibel said they are anticipating a huge lack of supply when the State approves the licenses. He said they would look to expand in the future. He said they are focused on developing a forever business not something that will last only a short time.

Mr. Banisch suggested the proposed ordinance should reference the State noise ordinance. Mr. Banisch suggested a setback from the facility to a residence. Mr. O'Leary felt there should be setbacks from churches, schools and day care centers as well. Mr. Banisch said the ordinance needs to have standards for the odor mitigation and security issues.

Mr. O'Leary asked about the warehousing of the product onsite until it is ready to be moved offsite. Mr. Zweibel said the current green house is very large and could handle the storage until a second greenhouse could be constructed if needed. There was a discussion on the expansion of the facility. Ms. Leo suggested any expansion would need to conform to the zone requirements. The Board went over the proposed ordinance requirements such as fencing, security, backup generator, sustainability, and signage. Mr. Zweibel said they do not need a sign other than the street address number. Mr. O'Leary suggested the Zoning Officer do an annual inspection. Mr. Zweibel said the State inspects the site a few times a year.

Ms. Leo went over the proposed changes to the ordinance. Mr. Hughes suggested the Board be cautious about listing the type of security that is required due to advances in security equipment. The Board discussed the height of possible silos.

The Board took a straw vote on the requirement that the site must be within a mile of a police station. The Board voted no on this requirement.

Ms. Leo will make the changes. The Board agreed to limit the conditional use to the R-5 zone.

A motion to recommend the proposed conditional use to allow the growing and production of cannabis in the R-5 zone ordinance to the Township Committee was made by Ms. Didyk. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Corcoran, Didyk, Taylor, Van Sickle, Aikens, Madewell, Potter, O'Leary.

#### **OLD BUSINESS:**

##### 1.) Motor Vehicle Fueling Station Illuminated Signs

These changes were incorporated in the potential sign amendments, which were handled below.

##### 2.) Potential Sign Amendments

Mr. O'Leary noted that the proposed sign amendments excluded the Village Residential Zone. Ms. Leo did add the zone to the draft changes.

There was a lengthy discussion on the proposed increase in signage for a multi-tenant shopping center.

A motion to refer the proposed changes to the sign ordinance to the Township Committee for consideration to be adopted was made by Mrs. Aikens. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Corcoran, Didyk, Taylor, Van Sickle, Aikens, Madewell, Potter, O'Leary.

##### 3.) ECHO Housing

Mr. Banisch said the ECHO unit is a single-family modular unit designed to be installed behind a single-family dwelling unit for an elderly or disabled family member. He discussed the difference between the ECHO unit and a mother-daughter apartment. He said the unit would need to be removed when the need goes away. It will need to be monitored annually. Mr. Banisch explained that with the mother-daughter unit, the demising wall would need to be removed if the need is no longer valid. He said there is no law saying a homeowner cannot have

two kitchens in their house. Mr. Corcoran was in favor of the mother-daughter unit. He was not in favor of making the homeowner decommissioning the demising wall.

Mr. O'Leary felt the mother-daughter would create illegal apartments. He felt there would be an issue with policing. Mr. Taylor felt that making the homeowner remove the kitchen would prevent the illegal apartment. Ms. Didyk agreed and said it is not expensive to remove a kitchen. Mr. Banisch suggested a decommissioning plan prior to approval of the mother-daughter apartment.

Mr. Banisch explained the certification process. He said it would be an annual letter to the Township confirming the need is still in place. Mr. Hughes suggested focusing on the standalone unit only so the Township Committee can get something on the books and residents have an option. He felt the mother-daughter unit could be handled separately when the Zoning Officer is present to give his input.

Ms. Didyk expressed a concern about parking especially in the Village Commercial Zone. Mr. Hughes said the applicant would have to come before the Board and then it would be discussed. Mr. Banisch said he could add a parking requirement. There was a discussion on the amount of escrow that would need to be posted. The Board agreed the allowable size should be 720 square feet.

The Board agreed to address the ECHO standalone unit only and to carry the elder accessory apartment part of the ordinance for future discussion.

A motion to refer the detached ECHO unit portion of the proposed ordinance to the Township Committee for adoption was made by Ms. Didyk. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, Corcoran, Didyk, Taylor, Van Sickle, Aikens, Madewell, Potter, O'Leary.

#### 4.) Farming for Non-Farm Assessed Residential Property

Ms. Leo said she looked at the Rutgers suggested number of allowable chickens and she felt that the number of chickens was not an issue. She felt the noise issue would not be addressed by limiting the number of chickens allowed. Ms. Didyk said the Board should not negatively affect the children participating in 4-H clubs.

The Board agreed not to pursue this issue.

#### 5.) Ridgeline Viewshed Inspections

Mr. O'Leary expressed a concern that residents will remove trees before coming in for their pool approval in the Ridgeline area. There was a discussion on the size of the accessory structure allowed to be approved by the Zoning Officer. Mr. Banisch discussed the size of trees that can be removed. There was a lengthy discussion on tree removal.

A motion to refer the changes to the Ridgeline Ordinance to the Township Committee for approval was made by Ms. Didyk. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, Corcoran, Didyk, Taylor, Van Sickle, Aikens, Madewell, Potter, O'Leary.

### **NEW BUSINESS:**

#### 1.) Fence Ordinance

The Board agreed to carry this matter to the August meeting.

**RESOLUTIONS:** None

**ORDINANCES:** None.

**ZONING REPORT:** None.

**BILLS:** None.

### **CORRESPONDENCE:**

1.) To: Handwerk Drive Realty Co., LLC

From: D.E.P  
Re: Structure in Wetlands

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Ms. Van Sickle. It was seconded by Mrs. Aikens and passed with everyone saying aye.

Respectively submitted,

Stephanie Pizzulo  
Board secretary