

MINUTES
MT. EPHRAIM LAND USE BOARD REORGANIZATION MEETING

Borough Hall Court Office
121 S Black Horse Pike, Mt. Ephraim, NJ 08031
Monday, June 12, 2023, 7:30pm

The meeting was called to order. The meeting opened with the Pledge of Allegiance to the flag and stated the meeting was advertised and notices posted in accordance with the “Open Public Records Act.”

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, present.

Swearing in of New Appointees: Kimberly Beebe – Class II, Commissioner George Gies – Class III, Robert Carter – Class IV, Anthony Stagliano – Class IV, Jason Kerns – Alternate #1, Rocco Vespe – Alternate #2

Reorganization Meeting:

Motion to elect Robert Carter as chairman, Robert Carter made motion, the motion was seconded by Steven Eggert.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Avoted Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to elect Steven Eggert as vice-chairman, Commissioner Gies made motion, the motion was seconded by Anthony Stagliano.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to appoint Tara Weiss as secretary, Michael Schiavo made motion, the motion was seconded by Commissioner Gies.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to re-adopt the rules and regulations, Commissioner Gies, the motion was seconded by Michael Marrone.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to continue the meeting date & time for the second Monday at 7:30pm.

Anthony Stagliano, the motion was seconded by Commissioner Gies.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to establish legal notices in the Gloucester City News & Courier Post.

Anthony Stagliano, the motion was seconded by Commissioner Gies.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to appoint Key Engineers Inc. as the Land Use Board Engineer.

Commissioner Gies, the motion was seconded by Michael Schiavo.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to appoint Brown and Connery as the Land Use Board Solicitor.

Commissioner Gies, the motion was seconded by Michael Schiavo.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

Motion to adopt the Annual Report 2022-2023. Commissioner Gies, the motion was seconded by Steve Eggert.

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, Jason Kerns, Rocco Vespe, all voting yes.

New Business

Hearing on Nice Lot, LLC – 414 N Black Horse Pike - Preliminary & Final Site Plan, bulk variance and conditional use application.

Lou Cappelli – Attorney for both applicants tonight. They will be under two separate applications, but they are intertwined by the parking lot which will be described later because both properties proposals will use the parking lot. Nice Lot, LLC is here tonight 414 N Black Horse Pike, is an existing structure, the structure was built before 1970, the proposed use is to have a sandwich shop on the first floor which happens to be a previous use of two apartments on the second floor and then a hair salon on the first floor, we are seeking preliminary and final site plan approval, use variances are required because of the two second floor apartments that are in this building because that is a use that is not permitted in the commercial district and a use variance is also required because there will be two principal uses on this property, which is the sandwich shop on first floor and then the apartments on the second floor. We have a bulk variance relief that we are seeking for the minimum rear yard and front yard setbacks they are both existing conditions, the parking lot on the adjacent property, we are proposing to consolidate both of these lots that will require a bulk variance regarding the lot depth along Valley Road which will be 75 feet where 150 feet is required, we are also seeking so waiver relief and with that I would like to get our witnesses sworn in.

Joe Nardi swears in the applicants engineer Rami Nassar – 1425 Cantillon Boulevard, Mays Landing, NJ 08330. Amin Khalifa – 18 Richland Drive, Mt. Laurel, NJ 08054. Filippo Sparacio – 481 Westminster Road, Wenonah, NJ 08090.

Lou Cappelli – We do have architectural drawings of what the first-floor sandwich shop would look like, I am going to mark this as exhibit A1. The drawings are distributed to all the members of the board. The first witness to give testimony will be Amin, Amin are you the owner of Nice Lot, LLC.

Amin Khalifa – yes, I am.

Lou Cappelli – The subject property is the owned by Nice Lot, LLC.

Amin Khalifa – yes, the property is in an LLC which I own along with my cousin, which is Sam Khalifa.

Lou Cappelli – how long have you owned that property.

Amin Khalifa – when I went back through my paperwork, it looks like we purchased this back in 2011.

Lou Cappelli – what is the current use of the property.

Amin Khalifa – right now the first floor that used to be a hairdresser is now vacant and then there are two apartments in the back, one of them is rented and the other needs a little bit of work so it is not rented now.

Lou Cappelli – what are some of the surrounding uses of this property.

Amin Khalifa – well along the Black Horse Pike it's a commercial district, down Valley Road it is residential behind us.

Lou Cappelli – so how will the sandwich and the residential part co-exist on the same property.

Amin Khalifa – if I may point to the drawing, when we put this project together, we own (points to the drawing) we own this grass lot, we own the 414 Black Horse Pike property, and we own the CDT building across the street on the other side of Valley Road. We owned some of the properties in 2011, then we owned another property in 2015. We have had a lot of inquiries about these properties but once they see we have no parking it creates an issue. So, we decided to sacrifice the grass lot, instead of creating another property to get income from we decided to create parking so these properties could become useful and get tenants in them with viable business. So, that is why our proposal is to have this parking lot to be shared between the two businesses.

Lou Cappelli – do you see any difficulties in the residential uses and the sandwich shop uses co-existing.

Amin Khalifa – Valley Road is a residential street and the entrance to the apartments are in the back of the building, so what we wanted to do is there is already existing parking on the Valley Road side on the property, and I know there was a letter from the engineer stating that this may not be suitable parking but this building has been there since the 1970's and this parking has been existing so we are hoping to get a relief on that and be able to use that parking, because the main thing that we are trying to do here is separate the commercial from residential, we want to keep the people that are living on the property on the Valley Road side and keep everyone for the business on the Black Horse Pike side. The next step that we did was the old door for the business was right at the corner, what we decided to do is move the door to the middle of the building, because we wanted the customers to be able to park in the new lot and then just walk right to the sandwich shop door, basically trying to separate the use with making all the commercial stuff on the Black Horse Pike and then the residential on Valley Road.

Lou Cappelli – have you given thought to this particular property parking on Valley Road, would that be a concern.

Amin Khalifa – we would just be encroaching on the other neighbors, we are trying to, I mean property has been existing and self-sufficient, unlike the other property where the widening of the road has taken away parking on it. The mixed-use property has enough spots for the residential apartments, obviously it does not have enough parking for commercial use and that is why we are adding commercial use on this side and adding the parking lot. So, we wanted to preserve Valley Road and keep it residential, even though it is one building we kind of wanted to make it look separate.

Lou Cappelli – now you have taken the time to meet some of the neighbors on Valley Road.

Amin Khalifa – I did not meet with the neighbors personally, I have met with some of them but not personally, Will and Alicia who will be the tenants in the other property across the street have had meetings with the neighbors.

Lou Cappelli – one of the concerns was with customers from both locations parking on Valley Road.

Amin Khalifa – There is a thought and we are hoping to get your assistance in this, Valley Road is a County Road and the neighbors would feel very comfortable if we were able to make that street free permit parking only, we don't want the neighbors to have to pay to park, so what we are proposing with part of this, with your support is to make all of Valley Road to the lake permit parking only. I don't know exactly how we would do that, maybe with a sticker and their address on it, also we don't have an issue with the neighbors that if they are having a party and need to park in the parking lot, we want our presentation to say that approval will be subject to being able to go to the County get an ordinance from Mt. Ephraim to be able to make Valley Road a permit parking road only. I know, later I will have Will testify that his business will have at least two security guards at the same time, I'm just mentioning this because its important for the parking situation. The outside security guard will be able to see if anyone parks on Valley Road illegally and asks them to park in the parking lot. So not only are we relying on signage we are also relying on the guards helping with this. Obviously, the police officers can not be there all the time, we are trying to be proactive.

Lou Cappelli – that is all I have for Mr. Khalifa.

Robert Carter – do we have any questions from the members of the board.

Douglas Morgan – where are the employees going to park. I count like 29 spots, but if you have 10 employees, I just want to know what the thought is there.

Amin Khalifa – shows on the drawing where they will be adding more spots so they will have a total of 30 spots. I am not an engineer, but I understand that we are complying based on the number of employees and for customers in the parking lot.

Jason Kerns – so does the sandwich shop have authority over the parking lot?

Amin Khalifa – not authority they will be sharing the parking lot, one is not stronger than the other.

Robert Carter – will there be an easement to allow for parking.

Amin Khalifa – since I own all properties, the parking situation will be spelled out in the lease as opposed to an easement.

Lou Cappelli – we do want to consolidate the sandwich shop and the parking lot.

Robert Carter – ok, thank you.

Rocco Vespe – where do all the people park that live on the left side of Valley Road?

Amin Khalifa – right now, this house right there is 5 Valley Road, I happen to own it and it has a driveway, so most houses not all have a driveway, so they either park on the street or they park in their driveway, and we want I am stressing that we want to really have this permit parking things figured out.

Rocco Vespe – so some of them park in their driveway and then some park on the street?

Amin Khalifa – that is correct.

Rocco Vespe – is it the same way on the right side of the road.

Amin Khalifa – again I don't know all the details, all I know is driving down that street some people can park in driveway others may not have a driveway.

Rocco Vespe – ok, thank you.

Joe Nardi – the residents in the apartments would park on lot 1.03.

Amin Khalifa – I don't know the actual lot, but it would be where the sandwich shop will be, along the Valley Road, side. On this property there are already 4 parking spots, we are hoping that the board will allow us to keep those spots to allow the residents in that building park there and keeping this side residential to follow what already is there down Valley Road.

Joe Nardi – well just trying to address this since that was a question presented by a board member about parking, if what you are requesting is approved will that be limited exclusively to the residents only from the apartments.

Amin Khalifa – there will be signs, that say private parking, residential parking only.

Joe Nardi – ok, thank you.

Rocco Vespe – so if that parking lot was full, and someone was going to the dispensary they would maybe go around the block and park in the liquor store parking lot.

Amin Khalifa – they would probably park in the liquor store or motel parking lot, or wherever they can until someone asks them to move their car.

Rocco Vespe – isn't there an excess of space in front of the liquor store, where they could possibly park.

Amin Khalifa – everyday there is excess parking space, except around Christmas time.

Robert Carter – you can call your next witness.

Lou Cappelli – Mr. Sparacio, what is your current occupation?

Filippo Sparacio – pizza man, Brooklyn Pizza on Kings Hwy.

Lou Cappelli – how long have you been in this business.

Filippo Sparacio – 5 years.

Lou Cappelli – with your pizza shop do you also make sandwiches?

Filippo Sparacio – we have some sandwiches, salads, and pasta dishes.

Lou Cappelli – what is your business plan with this property if this application is approved.

Filippo Sparacio – we will specialize in a sandwich shop, steak sandwiches and hoagies.

Lou Cappelli – we have circulated a plan to show how we will be designing the first floor. How many seats are there in that plan.

Filippo Sparacio – we are looking to accommodate about 20 people.

Lou Cappelli – your business model, is it more of a pickup come in and eat.

Filippo Sparacio – well we are going to have about 20 seats for people to come in and sit down, but we are going to try and accommodate everyone, we will do take out as well.

Lou Cappelli – what food products will you be making there.

Filippo Sparacio – mainly steak sandwiches and hoagies.

Lou Cappelli – how many employees will you have.

Filippo Sparacio -the store will have 2 people, I will have a cook and a cashier, but it could be anywhere from 2-3 people.

Lou Cappelli – what will your hours of operations be?

Filippo Sparacio – we are looking to start from 10am-10pm, 7 days a week, then based on business we may make some adjustments, or if we don't have a lot of business, we could also cut down the hours.

Lou Cappelli – what is the waste generated from this type of business.

Filippo Sparacio – well being the fact this will be a sandwich shop, there will be a lot less waste than a full restaurant. We will have cardboard and plastic not too much.

Lou Cappelli – what is your plan for disposal of the trash.

Filippo Sparacio – we will hire a waste company once a week, pickup should work out fine.

Lou Cappelli – is there a place to store the waste.

Filippo Sparacio – that will be something that we need to discuss with the engineer to see exactly where he will want us to put it.

Lou Cappelli – as of right now the plan is to have one off to the side in the parking lot.

Filippo Sparacio – we will make sure it is far enough away from the residential house.

Lou Cappelli – how many times will that waste be picked up.

Filippo Sparacio – once a week or based on business it could be more.

Lou Cappelli – what hours will the food be delivered.

Filippo Sparacio – how I operate is I like to get my deliveries around 9am before we open.

Lou Cappelli – how many times a week will you have deliveries to the site.

Filippo Sparacio – 2-3 times a week.

Lou Cappelli – what types of trucks come to deliver the products to the business.

Filippo Sparacio – a small box truck.

Lou Cappelli – that is all I have for this witness.

Robert Carter – any members of the board have any questions.

Rocco Vespe – kind of a limited menu don't you think, just sandwiches.

Filippo Sparacio – well we want to specialize in a high-quality sandwich, we want to bring people to the neighborhood by, I don't know if any of you are familiar with the pizzeria that I own, but I like to specialize in premium quality, I want to be known for good quality sandwiches.

Rocco Vespe – but no pizza in that store.

Filippo Sparacio – no, no pizza.

Lou Cappelli – me and you had numerous discussions, and you want to bring almost like a Tony Luke experience here.

Filippo Sparacio – exactly, we are thinking of bringing something like that to Jersey, basically when you walk in you will see the guy cooking on the grill with the ribeye in front of you, we want to bring that experience here.

Rocco Vespe – something like DiNic's.

Filippo Sparacio – it will be a sandwich shop.

Thomas Maxwell – where would you load and unload, like how would you get your product into the store.

Filippo Sparacio – well since the deliveries will be coming in the morning, the box truck will park in the parking lot, and we will come through the front door and then leave.

Thomas Maxwell – how much stuff will be sitting out there with the dumpster; it is close to the neighbors.

Filippo Sparacio – if we must make some changes to where the dumpster is located, we can do that.

Lou Cappelli – we will have our engineer give more testimony to the dumpster location.

Rocco Vespe – your sign will face the Black Horse Pike.

Filippo Sparacio – yes that is correct.

Robert Carter – next witness.

Lou Cappelli – Mr. Nassar, you are an engineer in the State of New Jersey.

Rami Nassar – yes that is correct.

Lou Cappelli – how long have you been a licensed engineer I am also a license planner.

Rami Nassar – 33 years.

Lou Cappelli – how long have you been a licensed planner.

Rami Nassar – 32 years.

Lou Cappelli – have you testified in front of Land Use Board in the State of New Jersey.

Rami Nassar – yes, I have.

Lou Cappelli – for all 30 of those years.

Rami Nassar – yes, 32 years.

Lou Cappelli – will the board accept Mr. Nassar is a licensed engineer and planner.

Robert Carter – yes.

Lou Cappelli – so why don't you give a brief overview of the project.

Rami Nassar – this is an ariel map of the two properties, this is block 36, lot 1.03 and 1.07 which are in the commercial zone, its about half an acre, 22,468 sq feet in the c zone the commercial zone. This lot also does not comply with a lot of the bulk standards, they are all existing non-conforming, should we go through the engineer letter.

Lou Cappelli – we can go through the engineer letter; we only have two issues with it.

Joe Nardi – yes, that is what I was hoping for purposes of the board, you would present your overview and general testimonies be subject to questions and then go through the engineers' letter, item by item.

Rami Nassar – sounds good. So back to the parcel I was discussing, we have quite a few non-conformances with this property, such as lot depth it's supposed to be 100ft and we have 75ft, front yard setback is supposed to be in the front on the Black Horse Pike is 19.6 ft and it should be 40ft, the side on Valley Road 13.2ft and it should be 40ft. So, these are all existing non-conforming issues as we know this building pre-dates the zoning ordinance. There is no way we could accommodate what the setbacks are, if anybody wishes to use this building after, they will need to come back to the board for approval. So, we are proposing to have a sandwich shop on the first floor and the 2 residential properties on the second floor will continue to be used as well, there are also 4 parking spaces, I know that they are substandard to the zoning requirements, but they are existing, and they are on the Valley Road, side. We are proposing to have 29 parking spaces in the grass lot, there are two existing driveways that we are trying to utilize. One question came up about the dumpster, we are thinking of moving it from where we show it in the drawing, bring it closer to the second drive aisle so then it will be further away from the residential home. Another question in the engineer's report was about the loading for this building, what we can do is we need to have an additional ADA parking on site so we will do that and then we will take an additional space and designate that for loading, and as you heard from the operator of the business loading of deliveries is first thing in the morning. We are proposing small stormwater management on the property on the side of the parking area, we really are not required to because this is under the classification of major development, but we still propose stormwater management to address the runoff from the site, we will be trying to keep the runoff on our side. We also have two lights proposed in the parking lot that will light the area during business hours.

Currently there is one sign in front of the building, that sign is for the hair salon that was there before, so that sign will get refaced in the same location for the sandwich shop and its 24 square feet which is what is allowed, also there was another sign in the middle of the parking to designate off street parking, that sign was oversized but we will be bringing that down to 24 square feet, but we still require another variance because we are not allowed to have more than one sign on one property and if we don't consolidate the properties we will be ok, but because we are consolidating the properties we will need that variance as well. There is also an additional requirement in this zone there has to be a buffer and we are at 12ft so we are requesting a variance for that as well, just keep in mind the zone the way it is minimum lot size is 8000 square feet, but the zoning states you are supposed to have 40 ft front yard setback, 40 ft rear yard setback and 20 ft side yard and that only leave 800 square feet, so the zoning does not really help us with the situation because of the lot size.

Lou Cappelli – can you take us through the positive and negative criteria for the use variance.

Rami Nassar – yes the positive criteria we are repurposing an existing property, specifically we are taking the property and fixing it, illuminate the issue of parking, because if the business stayed as it is now there would be no parking, so we are trying to better the situation, negatively I really don't see anything negative that we are trying to do, because the Municipality in there Master Plan encourage development.

Lou Cappelli – you have also gone through Mr. Fusco's engineer review letter dated June 7, 2023.

Rami Nassar – yes.

Lou Cappelli – most of this letter we agree with, but there are two issues that you want to address.

Rami Nassar – yes, we will start with the completeness of it, we requested a waiver for the Environmental Impact Statement, this is not virgin ground that has not been disturbed already. The other issue is we are supposed to show all the utility connections underground, we don't know where they are, but we are not modifying the existing utility connections, so we are requesting a waiver from that. Also, we are supposed to show the center line profile and cross section for existing roads and as we stated we are not making any improvements to the state highway or county road. So, we are requesting a waiver for that. For the loading, what we are proposing is to take one parking spot and designate that as a loading zone.

Lou Cappelli – the next issue may be with the existing parking spaces on Valley Road.

Rami Nassar – yes, those spaces are already existing, I am not sure how long but probably since the building was there, I know that are substandard, but they are being used for the residential use only and as Mr. Khalifa stated by keeping the residential

parking on Valley Road we will keep the characteristic of Valley Road as residential and we are forcing all of the commercial parking to be on the Black Horse Pike.

Lou Cappelli – you both have provided testimony on item number 8, page 6 regarding buffering.

Rami Nassar – yes, we are suppose to have 15ft buffering, we are proposing buffering we have fence all the way around, we are also proposing additional trees on the motel side of the property, but our buffer will be 12ft not 15ft, just at one point not the whole thing, we have to have area for someone to turn in the parking lot, so it will just be at one area that we don't have the correct buffer. The engineer also would like to see landscape ideas, so I will discuss it with him on what we do and follow his recommendations.

Lou Cappelli – that is all I have for this witness.

Robert Carter – have you made an application to NJDOT for the curb cuts.

Rami Nassar – the application is ready and prepared to go.

Robert Carter – ok. I will open it up to the board members now for any questions or comments.

Mayor Tovinsky – just looking at this, it looks like there are two separate lots there, my only thing is, is if you get an overflow in that parking lot people will not be able to move at all, maybe if you can take more of the grassy area and make a lane that will lead to each lot in case there is overflow of parking.

Rami Nassar – I have room here that I can create additional paved area so people can get in and out.

Mayor Tovinsky – perfect, that was the only issue I saw.

Rami Nassar – that will work.

Rocco Vespe – my question also concerns access to the Black Horse Pike from the parking lot, do you plan on having one be in and one be out.

Rami Nassar – both.

Rocco Vespe – well you go in and out of Wawa it's tough.

Rami Nassar – if we do it that way, we will lose tons of parking spaces.

Anthony Stagliano – the exit from this parking lot will be a right hand turn only onto the Black Horse Pike.

Rami Nassar – we have no designation on it, I guess we will get with the DOT and see what they make us do.

Steve Eggert – the existing parking out front for the residential parking; those spots are short and hang over the sidewalk.

Rami Nassar – yes, it is short but when you get back further the spots get deeper.

Steve Eggert – the crosswalk takes you that way to get to the park, otherwise you will be going into the street.

Rami Nassar – they exist, that is what we are trying to legalize.

Rocco Vespe – so where will the path be for people who are parking in the parking lot going to the dispensary.

Rami Nassar – there is a sidewalk in front of the buildings.

Robert Carter – are there any architectural elevations of the building of what it will look like.

Amin Khalifa – in terms of the sandwich shop.

Robert Carter – yes.

Amin Khalifa – we do not have a rendering of that, we can share that with the professionals once we get that done. We are thinking of just changing the first floor of the building and leaving the top floor. I believe there may be stone at the bottom and then the top may be siding, what we are looking to do is put more glass on the front of the building because we must move the door.

Jason Kerns – you do have plans to renovate the exterior of the building.

Amin Kahlifa – we do have plans to renovate and beautify the exterior facing the Pike.

Joe Nardi – could you maybe provide a little more detail on that since you are here for a site plan, and I think that the members of the board are anxious to hear about that.

Amin Khalifa – so basically right now I believe its just veneer block that is put on front of the building to look like stone, what we are going to do is but more glass in the front and have a glass door in the middle on the Pike side, we will also be putting some vertical windows on the sides of the building.

Doug Morgan – are the stones staying.

Amin Khalifa – the stone will not be there.

Jason Kerns – What will happen with the stone on the building?

Amin Khalifa – the stone on the base of the building will no longer be there, not the second story. The second story is residential, and our plan right now is not to touch the residential. The work that we will be doing will be from the overhang and down the building. The Valley Road part of the building on the base will still be stone.

Jason Kerns – not painted, nothing.

Amin Khalifa – if it needs painting, we will, listen....

Jason Kerns – well that is the thing you are spending all this money and doing all this work, to leave a little bit of this and a little bit of that at this point, I mean....

Amin Khalifa - the main thing is we don't have a problem with painting, so the building right now has a couple windows on it that have vinyl siding around them and then the rest is stone, the top part is all vinyl, we are going up to the eave and redo the whole front of the building on the Black Horse Pike side, on the Valley Road side is also all stone if the board would like to see us remove the stone and beautify that, we will be happy to do that or paint over the stone. We just want to make the sandwich shop stand out on the commercial side and not blend in like it used to be.

Lou Cappelli – well, if necessary, on the Valley Road, side if that all needs a new fresh paint job, you will have that done.

Amin Khalifa – yes of course.

Steve Eggert – will all those properties be on one deed?

Amin Khalifa – right now they are all separated lots, CDT will stay on its own and then the sandwich shop and the parking lot will be one lot combined.

Lou Cappelli – our proposal is to consolidate the lot.

Steve Eggert – what happens if you want to sell, I am talking about the two buildings on each corner.

Amin Khalifa – I would like to address that this property can sell fifty times, whoever buys it is bound by having the parking lot shared with this building. So, it is not like the property cannot sell it can, but it will have restrictions that whoever buys it will have to provide parking for the dispensary.

Robert Carter – so what is the mechanism for that, is there an easement or...

Amin Khalifa – that is up to the attorney.

Joe Nardi – that is what they are proposing or that is my understanding.

Lou Cappelli – exactly.

Robert Carter – ok.

Amin Khalifa – there is a mechanism in place, not to prevent it from being able to sell, but to prevent the area as a parking area.

Steve Eggert – well if there is an accident and a lawsuit what building will be taking care of it.

Amin Khalifa – well usually with an accident there is a mechanism involved with insurance on the property.

Steve Eggert – right.

Amin Khalifa – so we make sure that each side who is renting has enough insurance for coverage of liability. Then it will come down to both insurance companies taking care of their responsibility and not having us involved.

Robert Carter – any other questions from the board.

Michael Marrone – existing sidewalks in this location are all ok.

Amin Khalifa – they are in decent shape, and as of right now we do not have any plans to do concrete work. The engineer stated something about the driveways, so we are going to overlay them.

Greg Fusco – the sidewalk is not compliant on Valley Road; it needs to be addressed.

Lou Cappelli – right and that is a function on whether we get the waiver.

Greg Fusco – either way it needs to be addressed, a disabled person cannot use that, and it is a violation.

Rami Nassar – it was also mentioned in the engineer letter about crumbled sidewalk, that we will need to address.

Greg Fusco – yes, all the sidewalk needs to be addressed for the record.

Rami Nassar – yes, I know.

Robert Carter – any other questions from the board.

Joe Nardi – before we get to the public, can I, Mr. Fusco what I would like to do since Mr. Nassar provided general testimony on the conditional use variances for this particular application is it fair to characterize it or the statements that the positive criteria is that restoring property productive use and eliminating a parking issue for these businesses and the residential area, and then because they are dormant or vacant at this point and really unproductive for the municipality that you see no negative.

Rami Nassar – I do not see anything negative.

Joe Nardi – do you need to add anything, I just want to make sure for the conditional use, so that the board can see that the burden has been met.

Rami Nassar – yes.

Joe Nardi – ok so that part has been met, so what I wrote down and I just want to make sure I have it clear, the variances that are being requested, and I do not think that Mr. Fusco had an objection to them, we are talking about the existing utilities location, is that fair.

Lou Cappelli – yes.

Joe Nardi – then you are requesting the variance waiver for the buffer planting.

Lou Cappelli – yes, that is correct.

Rami Nassar – also there is a variance required the distance between the lines in the driveway must be 65ft and when measured it was 60ft, but because we are repurposing the existing driveway, we are requested a waiver for the variance.

Joe Nardi – even if that were granted here that would be a question for DOT.

Rami Nassar – yes...

Greg Fusco – but it is still in our code, so they would need that waiver as well.

Joe Nardi – that would be subject to DOT, though.

Greg Fusco – yes that is correct.

Lou Cappelli – it is also fair to say as far as the use variance for positive, if you look at these properties as they are now, the 5 parking spots that are there don't apply to the ordinance, because right now you have a building that has no parking under your code and without the creation of this parking lot there really is no use at all.

Greg Fusco – so that will eliminate one of the negative criteria, you are providing parking elsewhere.

Rami Nassar – we are also requesting a variance for the two signs, because we cannot have two signs on one property.

Joe Nardi – we cannot comment on the variance, but there will be no objection to it, both signs will be twenty-four square feet which complies with our ordinance, what about the height.

Rami Nassar – they will both be under 12ft.

Joe Nardi – so is that it, for all the bulk variances...

Greg Fusco – there is just one more thing, so we can eliminate and technicalities, the applicant did provide an architectural floor plan as requested in my letter, there was also testimony that there will be 20 seats in the sandwich shop, so in reviewing the application I was under the assumption that it would be 500 square feet of take out, which it is, but there will also be seats, so the difference between seats in terms of a restaurant and a take out sandwich shop is different, so I had originally calculated that there would only be 3 parking spaces necessary for the sandwich shop based on the seating it looks like there will be 7 plus 2 for the employees which would be a total of 9, 4 I needed for the apartments which is a total of 13, there are 28 being provided they are going to have to create another handicap space in accordance with the law and they will be designating a space for deliveries. In addition, there is a new model ordinance that the state has implemented regarding electric vehicles, and in that ordinance anybody who creates more than 25 retail parking spaces they must provide a make ready electronic charging space, in making this space in will create two parking spaces, so the space that was taken out will now go back in there as a space, so I believe we are still good with the count for parking.

Joe Nardi – the one thing I heard with the building, it was built before the zoning ordinance, but I don't know if there was a specific date or if we have an idea, I believe one of the members of the board who actually works here did some research and I think that the records should reflect that, so Mrs. Beebe when you reviewed the tax records earlier today, because this does address the earlier discussion of the pre-existing non-conforming use, you did determine that these buildings were there pre 1972.

Kim Beebe – yes, 1930.

Joe Nardi – based on your knowledge of the properties you would concur with that.

Rami Nassar – yes.

Joe Nardi – so then your proposal then as I have heard it, that anything that you have identified and has been testified to would fall into the pre-existing non-conforming use and you're asking that there be no variances required at that point.

Greg Fusco – there is the fact that the applicant desires to continue to use the parking lot on the north side of the dwelling on Valley, the spaces are substandard in terms of that, so they are going to end up in the right of way. They will need a waiver of that for the parking lot depth, if that is the direction the board desires to go.

Joe Nardi – other than what we discussed, everything else in the engineer's letter is acceptable, improvements, sidewalks, everything.

Rami Nassar – yes that is correct.

Robert Carter – at this time we will open it up to the public.

Sue Carney – 42 Valley Road, I am a Mt. Ephraim lifer, I also own land on Haddon Road I am one of two residents that have a sub-divided lot. First, I want to say after the Wawa fiasco, I really appreciate Amin reaching out to some of us and hearing our concerns with any business would be on Valley Road, I understand that it is important for the town to have businesses that are operating and we could get any old business and have to deal with a corporation that doesn't give two flying donuts about the residents, that doesn't want to be a good neighbor with the residents, but I think in this case they have taken a lot of our concerns into consideration, I will say to the board and I will be repeating myself when the dispensary applicant comes up and while I very much appreciate the addition of a parking lot because I think no business I don't care where you are at in town should turn any residential street into their overflow parking lot, we have limited parking on our residential streets Valley Road is no exception, we have houses that are multi car homes, you know kids are driving, two spouses are driving and even some of us with driveways cant always get all of our cars to fit. I believe a lot of the residents, including me, are throwing our support behind the idea because the permit parking that was mentioned a lot of our support is coming from there. I believe it must be a partnership with the town officials and the residents, and take our concerns into consideration, we want good business partners not just any partner that is going to pay taxes and make a buck and then they are not accessible to us. I will make a suggestion to the point, and I'm no engineer but whoever suggested to have an in and out in the parking lot and come around, well Haddon Road is right on the back I believe of the parking lot, that is a paper road why cant you go beyond that and pave just a small portion of that so people have a spot to do the turnaround, just an idea. I think as long as we are making considerations for where the dumpster is going to be so we don't have to deal with the stench, or the loudness of when they are picking it up, regarding the off loading spot, if you are going to only be doing it at 9am then doesn't that spot become available or will there be a sign that says no parking before 9am so then they can use that spot for regular parking. So, I just want to applaud the folks for paying attention to what happened with Wawa and what really upset us and why we opposed it. I feel now it is up to the Land Use Board members to support them with the understanding that we do not want our street to become the overflow parking for businesses.

Doug Morgan – is the permit parking something that can be approved by the town or does that need approval from the County.

Joe Nardi – I believe it would be the Municipality, I mean it's a county road, but I believe....

Lou Cappelli – usually the process is the mayor of the town would request something like this and then it would come to the County for approval.

Greg Fusco – if I may, is there a reason why the applicant didn't use the paper road of Haddon Ave in the presentation, it's a municipal right of way.

Lou Cappelli – they don't own it.

Greg Fusco – but it's a municipal right of way and there is an opening.

Rami Nassar – we tried to look at the best way to get additional parking, with the access points.

Douglas Morgan – what if you ran one of the access points out the back, it would give you more spaces in there.

Rami Nassar – if you put an access point back there you will lose parking spaces in the back area.

Douglas Morgan – ok.

Michael Schiavo – 8 Valley Road, I am concerned about the lighting in the parking lot, and nothing was mentioned about the lighting in the parking lot.

Lou Cappelli – there are two spots with lighting.

Michael Schiavo – Yes there are two spots but there is nothing on the application stating what type of lighting.

Lou Cappelli – that is a very good point to bring up, in the engineer review letter, there was a recommendation from him that we agreed to.

Michael Schiavo – well according to your site plan drawing the one lamp post is within 15ft of my property.

Rami Nassar – we can put shields on the lights.

Michael Schiavo – well I am worried about the spillage of the lights coming into my house.

Rami Nassar – they make those shields that go on the back of the light to prevent that.

Michael Schiavo – well what is the elevation.

Rami Nassar – the height of it or, its 25ft.

Michael Schiavo – 25ft that will shine right into my bedroom.

Rami Nassar – we can possibly bring it down to 20ft.

Michael Schiavo – it can't move to the back.

Rami Nassar – I could try and locate it to the front of the property, the reason why I put it in this location is because usually the shields are in the back and that is how you shield the spillage. If I move the light somewhere else, it will spill on your property.

Michael Schiavo – can the light pole be moved 15ft to the north.

Rami Nassar – yes, I can move it there.

Robert Carter – any other members of the public.

Angeliki Kappatos – 22 Valley Road, I just have questions about my kids when crossing use that pedestrian line and the crosswalk, so like would they have to go around the parked cars into the street and then back on the sidewalk to use that.

Rami Nassar – what do they do now.

Angeliki Kappatos – well there are no cars there now, there haven't been any for a while.

Amin Khalifa – well right now there is a tenant there and sometimes our neighbors' parks there.

Angeliki Kappatos – I have not seen any cars there, I am just saying if there is a full lot how will this work.

Rami Nassar – the car will not be on the street they will be able to walk.

Angeliki Kappatos - so there will still be sidewalk.

Rami Nassar – yes, instead of being 8ft there may be only 4ft.

Angeliki Kappatos – ok. Also, there is a bus stop there, what will happen to that.

Amin Khalifa – there is a bus stop currently there, its mostly used by people that live in the motel, so we are suggesting that we take the bus stop and move it to the front area of the motel, I don't know what the mechanism is to be able to get that approved but it is something that we would like to do or try and make the effort to do it, we need to get approval here first and then we want to put the effort in to getting the bus stop moved as

well. We are more certain to get the permit parking, but I really don't know the mechanism for moving the bus stop.

Rami Nassar - I have experience with that, in another town that I did we had to have the mayor send a letter to the DOT to try and get it moved and then if they agree it will be moved.

Angeliki Kappatos – I have another question, the customers will park in the parking lot and then cross Valley Road to get to the other business, is the pedestrian walk like timed if they are trying to cross or do they just wing it, we already live on a county road, we have had a few traffic studies done we have a lot of volume, so like safety is a real concern, I am just curious how that will work.

Chief Conte – it's already controlled by the state highway system for pedestrians.

Greg Fusco – the light is already pedestrian friendly and has a system in place.

Robert Carter – any other members of the public.

Sue Carney – I forgot to make one other comment, I wanted to say to our engineers point and I appreciate what you were saying about the sidewalk, my husband is 100 percent disabled, and I will say I personally nor does he have any issues with the existing parking of the residential area, yes you have to go around it a little bit, yes, but has it put us in a situation where our wheelchair may fall over, no. This has been in existence since I have been there this is not anything new, so I don't mean any disrespect but to be worried about that now just because someone is making an application seems like.....

Greg Fusco – it's a law ma'am.

Sue Carney – it was a law then as well; it's been a law.

Greg Fusco – it's a law.

Sue Carney – I know, but it's been a law, I appreciate the concern...

Greg Fusco – so we should continue to break the law.

Sue Carney – no, but we have been breaking ADA law for some time, it isn't a new law that just came this week. All I am trying to say is that I am appreciative, but I also recognize we need businesses, we need parking, I think this is good for the town and it's been there and to now make an issue of it at this point is a little late in the game, its not like they are throwing us out on the street.

Commissioner Gies – we can give them a waiver.

Greg Fusco – have you ever been in the largest class action suit in the State of New Jersey, regarding barrier free, where they would want to take your house away if you continued to break the law.

Sue Carney – no and I understand.

Greg Fusco – I must recommend to this board things that should be addressed and followed.

Sue Carney – I was just sharing with them, with someone that has disabilities it has not been an issue for us.

Robert Carter – any other members of the public, hearing none the portion of the public is now closed.

Joe Nardi – any other questions.

Olympia Anagnostou – I have a question.

Robert Carter – sorry, go ahead.

Olympia Anagnostou – 17 Valley Road, so I rent out my property and I frequently visit my mom, like 2-3 times a week, she is a resident of Valley Road as well, for this permit parking if someone else in our family were to come and visit would they need a permit to park on the street.

Joe Nardi – I like to suggest right now that, that is something that will need to be considered, I mean that is a good suggestion by the applicant and members of the public clearly support that, but the board members can not do anything about that now, but it is something that will be significant consideration by any governing body when it comes time for the permit parking, it is not uncommon that Camden County parking is premium parking in local towns, I'm sure members of the commission will certainly take all of that into consideration.

Olympia Anagnostou – yes, because I am just taking what Mr. Khalifa said that we need to preserve Valley Road as residential, and it seems like they are making an exception for this and an exception for that and then it's like where is our residential road.

Joe Nardi – the only thing I can say to that is the board has the authority to grant relief from the zoning ordinance, but they don't have the authority to issue permits or to designate public roads, especially a county road to be changed in any way, they can make recommendations to the county, they can make recommendations to the governing body, and I think the record here is clear that everyone here seems to support the idea of at least exploring permit parking, but they cannot take official action tonight about that.

Olympia Anagnostou – understood, thank you.

Joe Nardi – ok members of the board, unless you have any other questions, I think it would be appropriate for a motion and I would ask the engineer and Mr. Cappelli...

Douglas Morgan – I have a question, can something be approved contingent upon like it has to be permit parking, like can it be approved contingent on that.

Joe Nardi – well that is pretty difficult because they don't have control over it, the only things that we can do which you can impose conditions on are those that they have to complete, those that have been raised tonight or get satisfactory approval from the Department of Transportation, the Camden County Soil Conservation, the Camden County Planning Board, I don't know if you really could condition that the permit parking has to be approved because you are dealing with not only the municipality but you are also dealing with the county and that is an unknown entity, the applicant can use its best efforts to have this done, but to get a condition on this application for that may be a little difficult, I am not going to tell you that I absolutely know the answer to that but I have questions about it.

Douglas Morgan – I guess the challenge is that everyone is in support of this based on the permit parking getting approved, and then if the county says no to approve permit parking where would that leave us. Is that a fair question.

Joe Nardi – I think that is a fair question, I just don't know if we have the answer.

Amin Khalifa – I did mention in my opening statements that I did want this to be approved contingent on getting the approval for the permit parking, we don't want to be here bait and switch and I thought that the mechanism could be put in place by the board, but obviously we will listen to your suggestions.

Joe Nardi – yeah, I don't think that this board can do that but if you agree on everyone using their best efforts to get this approved with the permit parking, then that can be apart of any approval that may be granted.

Amin Khalifa – that is our intention.

Joe Nardi – with no more questions, lets take a shot at this, this is an application for property located at Blocks 36, Lots 1.03, 1.07 being 414 N Black Horse Pike and the applicant is Nice Lot LLC, we have heard the testimony of the owner of the entity, the proposed tenant of the proposed sandwich shop and the engineer and you have heard the comments and responses from their attorney, they are requesting preliminary and final site plan approval, so that is one item that will be addressed, and they are also requesting variances, one which is considered a use variance because this is considered a conditional use and the two conditional uses here are the fact that two principal uses or actually three principal uses will be on what will be a consolidated lot, the parking lot, the sandwich shop, which is a permitted use and then on the second floor will be residential apartments, so we are actually having three separate uses that will ultimately be a single lot. There has also been request for bulk variances, relief from them pertaining to lot size,

setback requirements, side yard requirements. All these requirements have been referred to as pre-existing non-conforming uses. Then there have been waivers and they are included in the borough engineer's letter and they would include, waiver of the environmental impact statement, waiver of the cross section regarding the existing roadway and then the waiver of the location and size of the utilities since the structure already exist, if there is no objection by the engineer and then lastly there is another waiver providing an off street loading area and you heard testimony on that. Then last relief from a buffer planting suggestion.

Greg Fusco – can I just add to that if the board reduces the size of the parking spaces on Valley Road. There is a waiver regarding the distance for the separation between the driveway entrances on the DOT highway and these are all in our code.

Lou Cappelli – I heard the first part, but I did not hear the second part.

Greg Fusco – the reduction size in the parking space, our ordinance requires 18ft and you only have 16ft and some are 13ft.

Lou Cappelli – yes, we do need that.

Joe Nardi – they are for the residential units.

Lou Cappelli – correct.

Joe Nardi – so then there would be a waiver for the residential units. So, members of the board the vote would be in favor for site plan approval (preliminary and final) and I want to note they will be subject to conditions in the resolution to be adopted at the next meeting, the waivers, and the bulk variances that I have identified, and then the two additional waivers that Mr. Fusco just presented to the board and Mr. Cappelli agreed to, all other conditions of Mr. Fusco letter of June 7, 2023 will be adopted and one thing that I did not mention lastly as Mr. Khalifa indicated that a condition would be permit parking allowed for Valley Road.

Lou Cappelli – forgive me but we did miss one thing about the two signs on the one property.

Joe Nardi – yes, there will be two signs on one lot that will need a bulk variance.

Greg Fusco – can we because I don't think it is fair that the board did not get the opportunity to see what the improvements to the façade will look like, so can we just condition that the applicants submit a rendering.

Amin Khalifa – I have no objection to that.

Anthony Stagliano made a motion to approve the conditional use application, the application was seconded by Douglas Morgan.

Roll Call: Kim Beebe, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, all voting yes.

Anthony Stagliano made a motion to approve the site plan application preliminary and final, with all bulk variances and waivers, the application was seconded by Commissioner Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, all voting yes.

Robert Carter – the next item on the agenda is for Brotherly Bud, LLC.

Lou Cappelli – I am here on behalf of the applicant, Brotherly Bud, LLC, this application concerns 500 N. Black Horse Pike, this building again pre-dates the zoning code prior to 1972, it is a use which is a class 5 cannabis retail dispensary, the use is a conditional use that has been endorsed by the governing body and must be approved use by this board, this is a pre-existing non-conforming, bulk variances are also requesting, regarding lot depth for 75ft where 100ft is required along Valley Road, same as the minimum front yard and rear yard the setbacks, we are seeking variances for off sight parking, again part of the pre-existing condition of this particular building to the fact that there is no parking, or minimal parking of two spots. We will have two witnesses; one is the licensee William Sirois and then our engineer Rami Nassar, Amin Khalifa as well.

Joe Nardi – we will not need to swear in Mr. Nassar and Mr. Khalifa as they have already been sworn in, I will swear in the applicant for this application. William Sirois, 31 Ellas Street, 1st Floor, Haddonfield NJ 08033.

Lou Cappelli – Amin you are the owner of this property, correct.

Amin Khalifa – yes that is correct.

Lou Cappelli – how long have you owned this building.

Amin Khalifa – I believe I bought this building in 2015, June of 2015. So, I have had it for about 8 years now.

Lou Cappelli – have you been able to find a tenant.

Amin Khalifa – I have had many people kick the tires, but have not been able to find a tenant, most people who were interested want to sell cars out of there but there was just not enough room.

Lou Cappelli – what has been the biggest obstacle with this building.

Amin Khalifa – the lack of parking.

Lou Cappelli – that is all that I have for this witness.

Robert Carter – we will go through all the testimony first then go into questions.

Lou Cappelli – Will, so you propose to lease this building.

William Sirois – yes that is correct.

Lou Cappelli – what is your proposed use.

William Sirois – a class 5 retail cannabis dispensary.

Lou Cappelli – you are currently the owner of the Brotherly Bud, LLC.

William Sirois – yes that is correct.

Lou Cappelli – and does that entity currently obtain a license to sell cannabis.

William Sirois – we were awarded a conditional license last year and last month we submitted our application to the state for our annual license.

Lou Cappelli – this is a new law to the State of New Jersey and boards across the state are hearing about this use for the first time, so we will get into some of the details of the experience that the customer, how it works, and the experience and the obligations of the licensee, but before we do that lets get to some of the usual questions, like what are the hours of operation.

William Sirois – we will follow the ordinance, like Filippo, 7 days a week, hours will be between 10am and 10pm and then we will adjust it according to peak hours.

Lou Cappelli – how many employees will you have.

William Sirois – at any given time up to 8 employees.

Lou Cappelli – how many employees will be on site, maximum.

William Sirois – 8.

Lou Cappelli – what kind of waste is produced by this use.

William Sirois – typical office supply waste, primarily mostly cardboard, all of our shipments come in a cardboard box, so we take the product out of there and then the cardboard gets broken down and sorted inside the dispensary until we have a company come pick up the recyclables.

Lou Cappelli – how often is product delivered.

William Sirois – we are now scheduled for 1 delivery a day prior to opening the store, but I have talked to some of my advisors, and they just recommend two to three times a week for delivery before we open with customers. There is an enclosure where the truck can come in to make the deliveries and it's secure. Again, this will take place before we open it to customers.

Greg Fusco – how are they going to access that.

William Sirois points to the drawing and shows Greg Fusco where the trucks will be accessing the enclosure to drive into the building for deliveries.

Lou Cappelli – can you describe the front of the building, is it paved.

William Sirois – yes, it is paved, but it is deteriorating.

Lou Cappelli – what kind of trucks deliver to you.

William Sirois – just sprinter vans, smaller trucks, no semi-trucks, or anything like that.

Lou Cappelli – now part of this process, you have submitted to the State of New Jersey a security plan for that building.

William Sirois – yes, that is correct, we must submit a high security plan, which is a requirement of the state, because this is a highly regulated industry, and they want to make sure that you have every square inch of this place covered.

Lou Cappelli – so the plan you submitted to the state has been approved.

William Sirois – it is being looked at right now, we are waiting for that approval.

Lou Cappelli – and that is a plan that you will be sharing with the police department on Mt. Ephraim.

William Sirois – yes.

Lou Cappelli – and you are going to further discuss security on the outside.

William Sirois – yes, we will be setting up cameras on the outside of our building as well as cameras in the parking lot area, because we will monitor the situation in the parking lot as well to make sure no one is loitering, make sure no one is using what they purchased on the premises.

Lou Cappelli – you agreed to have conditioned on your approval tonight to get approval from the Mt. Ephraim Police Department to approve your security plan as well inside and outside.

William Sirois – correct, I will work with Chief Brian Conte to make sure it meets both standards.

Lou Cappelli – what is a cannabis retail facility look like.

William Sirois – to be honest the interior doesn't look like your typical pot shop; a lot of people think it's like a head shop, but its very beautiful inside, very well lit and very well maintained, picture the clean lines of an apple store with the feel of an apothecary and the security of a jewelry store.

Lou Cappelli – if I am a customer, I walk into your facility, how do I order the product that I want.

William Sirois – well first you can not see any of the product from the exterior, even though it's a dispensary, there is no paraphilia on the outside of the building, but when you come into the store you will get age verified with a state issued ID, we will scan it to make sure you are over 21, if you pass that then you are allowed in the store, if you don't pass that then you can not come into the store, soon as you get into the interior dispensary floor the product will be available for viewing but you can not touch it or smell it, you will place your order on the kiosk or iPads, there will also be what's known as a bud tender to help if you have questions or help place your order, then once the order is placed the order will be prepared in the back in the supply room which it will be stapled closed, it then will come to the front checkout, the customer will pay and then they will leave the store.

Lou Cappelli – typically how long does it take a customer inside the retail facility to purchase the product.

William Sirois – it could vary, a lot of times they place online orders, so they just come in scan ID grab their product checkout and then leave, others want to browse and learn about the products, majority of the people typically will keep it around 5 minutes.

Lou Cappelli – so there is no loitering inside the facility.

William Sirois – no there is no loitering inside or outside.

Lou Cappelli – let's talk about this, because some of these issues I had in other municipalities, where there were questions asked by the board, regarding how a facility keeps the customers from using the product they purchased in the parking lot.

William Sirois – well as Amin mentioned the security guard outside will also be monitoring the parking lot as well, if they see anyone in their cars loitering they will ask them to leave, also a lot of the products you do get from the dispensary are pretty hard to use right away, some of the things you need other appliances for, so its so of difficult to use on the premises but we will be monitoring that both with the security guards and the cameras.

Lou Cappelli – one other issue I have had with a parking lot is that sometimes actually drug dealers, illegal drug dealers like to hang out in parking lots and then try and sell the product cheaper than you are selling it for, how do you prevent that from happening.

William Sirois – I think it will be the same answer, the security guard, and the cameras.

Lou Cappelli – is there any odor with a retail facility.

William Sirois – no, not with a retail facility, if you were at a CuraLeaf because they cultivate it, that is why you will get a smell, but all our stuff comes prepackaged in an airtight sealed container so there is no smell whatsoever.

Lou Cappelli – this application is for one sign, is that correct.

Amin Khalifa – there is one main sign already on site, what we are proposing to do is move it a little closer to Wawa, the reason for that is when the van goes into the building, when the van pulls out the sign is a little close, so we want to move it, the size of sign and everything will not change, I believe it's bigger than what is allowed but its pre-existing, we will use the same polls just bring them back a little bit. There is other signage on the building that we are adding, not because we want to but the sign will say parking 100ft with an arrow, so we want to direct people to the parking lot because initially they will not know where to go, so the need for additional signage is mainly just to make sure that they get to the parking lot not to advertise the business.

Thomas Maxwell – so there are no signs on the building now.

Williams Sirois shows Thomas Maxwell on the drawing where the signs are going to be.

Lou Cappelli – that is all I have for this witness. I am going to now have Mr. Nassar come up and testify.

Rami Nassar – if you look at exhibit A2 it shows the building is located at 500 N Black Horse Pike, it is Block 35, Lot 1, this lot is 8,805sq feet, it complies with the minimum lot area but does not comply with the lot depth which is supposed to be 100ft but we are 65.89ft and then frontage is supposed to be 25ft and we are 8.85ft on Vally Road and 20ft on the Black Horse Pike, also we have impervious coverage which is suppose to be 30% and we are 45%, this is all pre-existing, rear yard setback is supposed to be 15ft and we are 6.9ft and we don't have the 15ft buffer which is required and we don't have the parking that is required. So, there are a lot of pre-existing non-conforming conditions with this property and without the variances this lot becomes not usable to not only us but to anyone who would try to come back to the board to get approvals. So, these variances are not specific to this use itself, these bulk variances are required because of the property and the zoning and the condition of the property.

Lou Cappelli – we have reviewed Mr. Fusco's letter.

Rami Nassar – oh in regard to the sign, what Mr. Khalifa was stating, for the loading for this property we would rather have indoor loading for security purposes, for safety, for everyone's safety, we don't want people outside unloading boxes with substances in there, so basically the existing sign that is there now it will interfere with the K-Turn when you come out of the garage, they will not be able to make the turn, so we are purposes to move the same poles closer to the property line to make it easier for the driver to back up and use that area. The delivery will be happening before business hours, so the area is open, so they can get in and out, and then when business opens there is no need for any vehicle traffic into the area of the front of the building, the 20ft though is ample area for a truck to get in and turn, it may be a little tight but they can do it, the back 1000sq feet will be utilized for loading and to keep all the recycling material that they generate and keep everything inside of the building and for security purposes I believe it's the best way to handle this.

Lou Cappelli – regarding the June 9th letter from Mr. Fusco.

Rami Nassar – the completeness for the architectural drawings for the building have not been provided, we are not changing the building itself except just the interior design, also the directional sign that will be placed outside, there is also a security plan which we provided to the police chief we are requesting a waiver from completeness we will provide that at a later date, we are also requiring the same waiver from the utilities as we did with the other building, plus all the other waivers that we requested from the other application as well. Regarding the parking requirement, we are proposing one handicap parking space next to the building on Valley Road. There is also a cue line where the customers can stand when they want to come into the store, this will help control where they stand so they are not all over the place, this will be controlled by security. The parking requirements for this for the 3000 square feet we are required to have 8 parking spaces and 1 parking space for employee, so we have 26 parking spaces required for this use itself, we are requesting a variance for 2 parking spaces but keep in mind this is an existing condition.

Joe Nardi – on that parking issue, and this had been raised earlier this evening, so there will be a cross easement with the owners of 414 and 500 N Black Horse Pike.

Rami Nassar – yes it will have to be an easement.

Greg Fusco – is there any reason why you need a handicap parking space on this property when you have two in the parking lot already.

Rami Nassar – we were just trying to make it easier in case someone needed it, but if we don't, we can eliminate that spot.

Greg Fusco – that is your call, its just right up against your neighbor's property.

Amin Khalifa – I am the neighbor; I own that property as well.

Lou Cappelli – Mr. Fusco you're saying that is something that we do not need.

Greg Fusco – that is completely up to the applicant, I just don't think it's a good idea for that space to be there but that is totally up to them.

William Sirois – a lot of people who use cannabis may have some type of disability so they may need that spot to be closer.

Robert Carter – at this time I will open it up to the members of the board.

Commissioner Gies - how many people at one time would be in the store.

William Sirois – I don't know what the maximum capacity is, but we are only limiting a certain amount ourselves to be in the store at one time.

Commissioner Gies – I was asking because I have seen like only one guy go in to one guy coming out.

William Sirois – are you talking about Curaleaf.

Commissioner Gies – no, the one in Deptford.

William Sirois – we will go by what the state regulations are.

Joe Nardi – will that be part of the security plan.

William Sirois – I will have to check with our security company, maybe I can see if they can get a number of what is allowed. I know 67 is the maximum capacity but we will not have that many people in the store at once.

Douglas Morgan – how many anticipated customers do you see coming per day.

William Sirois – that is a tough question, because the only thing that I can compare is Curaleaf and they have long lines, but in the next couple months there will be several dispensaries coming up, so that kind of volume will dissipate so right now it will be hard to answer that question.

Douglas Morgan – let me rephrase the question, how many do you need to be profitable. I am sure you have a business plan and know what you need to see daily.

William Sirois – yeah, I do, I am not the big finance guy, my brother is, and he knows more of the number aspect than me.

Douglas Morgan – so between the two buildings you are going to have between 10-11 employees at any given time, this is from a parking perspective. I mean I guess it meets the requirements based on how many...

Robert Carter – well he said 8 employees.

Douglas Morgan – right but then 2-3 employees for the sandwich shop and they will park in that lot as well.

Rami Nassar – yes but also when you look at this garage as an owner, he will be able to park his vehicle back there, that area is 1000 square feet.

Douglas Morgan – I am just trying to get an idea of what traffic is going to be like, I mean like how many people will be standing out front of the building.

William Sirois – it will fluctuate.

Jason Kerns – what will be done with the building on the outside.

William Sirois – so we are going to paint the outside of the building, clean up the weeds and everything around the building, we will be putting up some shrubs and things as well. We will beautify the building up, like I said, we really respect the privacy of kids not knowing anything so there will be nothing on the outside to make it known what it is, and unless you know what brotherly buds stand for, no one will know.

Robert Carter – is that what the name will be, Brotherly Bud.

William Sirois – yes that will be the name.

Robert Carter – ok.

Michael Marrone – will there be a dumpster at this location.

William Sirois shows Mike Marrone where the location of the dumpster will be.

Amin Khalifa – this dumpster is a small one that is on wheels and can be moved around.

Anthony Stagliano – what happens to any product that gets thrown away.

William Sirois – no product gets thrown away, if anything gets recalled we call the manufacturing company, and they will schedule a time to come and get everything, and in the meantime, it will also be stored in the vault.

Robert Carter – any other questions from the board.

Rocco Vespe – when do you plan on opening.

William Sirois – so we have to wait on the State and they take between 45 and 90 days, we submitted everything a month ago, so we will have about another month or so to hear back from them, if they don't give us a cure letter then we will have to do the complete

build out of the store, do the whole interior and once that gets done then the State has to come out and approve it, so once they approve it, we are probably looking towards the end of the year.

Michael Marrone – I don't know if this was talked about, but I see it just says recreational only.

William Sirois – so there are no more medical licenses left they are just recreational licenses left.

Robert Carter – any other questions from the board.

Jason Kerns – will this be your first dispensary.

William Sirois – yes this is my first one.

Robert Carter – at this time we will open it up to members of the public.

Nancy Schiavo – 8 Valley Road, just for clarification you said any lines outside will be controlled by security, when we met with you, you assured us that the lines will go down the Black Horse Pike and not down Valley Road.

William Sirois – yes that is correct, they will be on the commercial side.

Nancy Schiavo – ok, thank you.

Sue Carney – 42 Valley Road, I am going to be honest when I first heard about this I was a little upset, but and I am not an easy person to convince but I am also a very reasonable person and I understand that this will benefit the town, I did my research and this young couple approached us to have a meeting and I found them, not that it's about them but I think it is to a large degree but I found them to be a great upstanding honest couple, I think I am a pretty good judge of character they didn't seem shady, they shared some personal stuff with all of us, so I know they are all in with this, which to me says to me that they will work with all of us, the town officials and the residents and again they are going to be good community partners, we expressed our concerns, they addressed the security issues inside and out, they addressed the lighting which really does affect me since I am on the further end but it will prevent any shenanigans going on, they addressed the parking and I just want to reiterate our support comes with the understanding that it is contingent upon permit parking, because we don't want their business anymore then we don't want the sandwich shop business to be parking on Valley Road, that is still contingent, correct.

William Sirois – correct.

Sue Carney – they addressed the que line, I raised as others did, while marijuana/cannabis is legal we don't want to normalize it to our youth, so we impressed upon them that we

really don't want any signage, and they assured us that wasn't even part of their plan. Again, it's up to all of you how much we are going to support this whether we get that permit parking or not, while it's good that it benefits the town it cannot negatively affect the residents.

Robert Carter – any other members.

Angeliki Kappatos – 22 Valley Road, I just have a question, does recreational mean that anyone can buy it over the age of 21 with an ID can buy it.

William Sirois – yes that is correct.

Angeliki Kappatos – is there any special law that, as I know that you said they just must show their ID at the counter but are there special machines that scans the ID.

William Sirois - yes, the ID gets scanned when you first come in and then when you pay for your stuff, and it must be a state issues government identification.

Angeliki Kappatos – ok thank you.

Olympia Anagnostou – 17 Valley Road, goes up to the exhibit and points to where her property is, her concern is that she is two houses away from the dispensary and has heard the plan for security, but what is to stop someone from going on their property after purchasing product from the store, she states they have found someone behind her dad's car before just sitting there, or going into her property and she has children, and this concerns her a lot. Will there be police patrolling as well because she is really concerned and wants details.

Commissioner Gies – well one thing that they are trying to do is move the bus stop further down.

Olympia Anagnostou – correct, they are going to try, but that is not a guarantee.

Lou Cappelli – Will, would you like to speak about your security plan.

William Sirois – the only thing I can say, is that this officer outside will see someone existing the store and walking away, so the Black Horse Pike should be the flow of traffic, so if they see someone going down Valley Road , especially if they seen they coming from another route and now they are detouring down that street I feel they will monitor what they do and where they go.

Douglas Morgan – what is the cost to purchase something.

Lou Cappelli – listen it's not someone coming into the store to buy a joint.

William Sirois – you can only buy it by the grams anymore, New Jersey allows each person to buy up to an ounce, you can buy an eighth all the way up to an ounce and an eighth cost \$60.00 and then an ounce cost about \$450.00, so you know it's not just random people purchasing this.

Olympia Anagnostou – so one more thing regarding the security guards, you mentioned you will have two outside.

William Sirois – well one is inside, and one is outside.

Olympia Anagnostou – so is that like a mandatory thing by the state.

William Sirois – well you must have security guards.

Angeliki Kappatos – I know you keep mentioning this outside security guard but what happens if he calls out or something.

William Sirois – well if we need to exchange the inside employee to work at the door, we can put a security guard outside. We will have a security company so if someone calls out then they can send us someone else.

Anthony Stagliano – are they armed.

William Sirois – no they are not, at least we are starting out the way we have been told by our advisors its much better with not armed guards, now if it gets out of hand, they we may revisit that.

Lou Cappelli – as far as your understanding with the industry so far and security problems that they have seen what has it been like.

William Sirois – I have had the security consultant come down and speak with the residents, he manages dispensaries in Pennsylvania and in Jersey and he stated they have very little problems when it comes to security, crimes, etc.

Robert Carter – anymore questions from the public, hearing none the public portion is closed.

Joe Nardi – is there anything else that needs to be addressed, so Mr. Fusco has indicated that the applicants testimony as well as the questions and answers that have been provided addressed all of the issues raised and conditions from the letter of June 9, 2023, so what we are dealing with here is again preliminary and final site plan approval, the conditional uses that have been raised which were the use of an ancillary parking lot to be used by the owner or lessee of the building, so this will be our first motion.

Anthony Stagliano made a motion to approve the conditional use for 500 N Black Horse Pike, the motion was seconded by Steve Eggert.

Roll Call: Kim Beebe, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Douglas Morgan, all voting yes.

Joe Nardi the next motion will be on the preliminary and final site plan subject to all conditions and approval for bulk variances for 500 N Black Horse Pike.

Anthony Stagliano made a motion to approve the application, the motion was seconded by Steve Eggert.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Steve Eggert, Thomas Maxwell, Robert Carter, Anyhtony Stagliano, Michael Marrone, Douglas Morgan, all voting yes.

Motion to adjourn.
All voting in favor.