**BLOOMINGDALE PLANNING BOARD**

**101 Hamburg Turnpike**

**Bloomingdale, NJ 07403**

Minutes

Regular Meeting 7:30pm

June 26, 2024

**CALL TO ORDER @ 7:30pm**

**SALUTE TO FLAG**

**LEGAL**

This is the Regular Meeting of the Bloomingdale Planning Board of June 26, 2024 adequate advance notice of this meeting has been provided by publication in the Herald and News and also posted on the bulletin board at the Council Chamber entrance in the Municipal Hall of the Borough of Bloomingdale, Passaic County, in compliance with the New Jersey Open Meetings Act, N.J.S.A. 10:4-6 seq.

**FIRE CODE**

Per State Fire Code, I am required to acknowledge that there are two “Emergency Exits” in this Council Chamber. The main entrance through which you entered and a secondary exit to the right of where you are seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out of the building. If there are any questions, please raise your hand now.

**ROLL CALL MEMBERS/ALTERNATE MEMBERS PRESENT (\*denotes alternate)**

Barry Greenberg Maggie Covert\* Mayor D’Amato

Mark Crum Brian Guinan\* Bob Lippi\*

Bill Steenstra Edward Simoni Wayne Hammaker\*

Bill Graf Craig A Ollenschleger (8:50) Dominic Catalano

**MEMBERS ABS/EXCUSED**

Barry Greenberg – ex

**MINUTES**

5/22/24

A motion is made by Comm. Hammaker, 2nd by Croop, to approve minutes of 5/22/24. Voice vote shows all in favor with Comm. Lippi and Mayor D’Amato abstaining.

6/13/24

A motion is made by Comm. Hammaker, 2nd by Comm. Croop, to approve minutes of 6/13/24. Voice vote shows all in favor with Comm. Croop and Catalano abstaining.

**SEATING OFALTERNATES**

Comm. Lippi for Greenberg

Comm. Hammaker for Ollenschleger

**PUBLIC HEARING (**2nd hearing, 1st hearing 2/28/24**)**

**#719** **Green Paradise Therapy** 217A Hamburg Tpk Block 3012 Lot 7 (6/26/24)

(seated tonight: Croop, Crum, Graf, Steenstra, Catalano, Hammaker, D’Amato, Lippi & Simoni)

Planning Board attorney, Richard Brigliadoro states that this is the 2nd public hearing for this application and the applicant provided notice and has jurisdiction to proceed.

Applicant’s attorney, Marsha Moore of Post Polak, PA, states that at the last meeting it was clear that there were major concerns of the parking. The applicant decided to revisit this with the County and they were able to amend the site plan to provide 6 onsite parking spaces along with 2 residential parking spaces. There will now be 5 street parking spaces along Hamburg Turnpike.

Mr. Matthew Seckler, Civil Engineer for the applicant, who previously testified at the 2/28/29 meeting and remains under oath, shows new parking plan on sheet C-3 modified 5/16/24 with a latest revision date of 5/29/24. He shows the old plan verses the new plan. The new plan shows 6 oversized parking spaces that are designed to be able to back up in parking lot and not encroach in the right of way on Hamburg Turnpike. These spaces onsite allow vehicles to make a left or right turn into the parking lot. There will be 1 ADA space.

They are working with the County on getting ‘No Left Turn’ signs. The end of the spaces will have guardrails and fencing.

There will be a total of 5 parking spaces with access going eastbound only and leaving eastbound only.

They will also be adding additional plantings around dumpster/garbage area.

They will be removing 1 street tree. There are currently 4 trees which will become 3.

There will be an updated lighting plan, and they will work with the board engineer on any changes necessary.

Ms. Moore highlights some points stating that there will be a guardrail at the end of the parking spots. She also states that a condition of approval will be to provide a design plan of the septic system which the county agreed could stay in place until use of life.

Comm. Graf states that in reference to the 2 residential parking spaces that there may need to be a new agreement with the owners of the Stumble Inn, since those spaces are technically on their property.

Ms. Moore states that they will have a conversation with the owners.

Mr. Boorady states that he thinks the 2 residential parking spaces could be angled a little more. Mr. Seckler states that they could angle them.

Mr. Boorady asks if there is enough room for the ADA space.

Mr. Seckler states that there is.

Chairman Simoni asks Seckler if they could make the on-street parking for the employees.

This would reduce foot traffic on people getting in and out of their cars on the street.

Mr. Seckler agrees that it would make sense to do that.

Comm. Catalano suggests that maybe permits could be issued to employee parking.

At this time, the applicant’s architect, Robert Waldron, a licensed architect in the state of NJ is sworn in and excepted as a qualified expert witness.

Mr. Waldron states that the renovations will be predominantly interior. The customers will enter and exit through the same door. He shows the cannabis sales area on plans which were revised on 4/26/24 per the County.

The pink highlighted area shows the restricted area. There will be a storage, sales, bath, office, processing center and breakroom for employees only.

The other door is to be used for employees and deliveries only.

The front elevation will be untouched.

There will be a new sign which will need a variance due to height.

In the rear elevation they will be removing 2 kitchen exhaust fans and a window to make room for the fresh air system to be installed.

Mr. Waldron shows pictures of the existing building.

Ms. Moore asks if there will be any other modifications.

Mr. Waldron states that they will be removing the satellite dish from the roof.

The operator of the business, Irwin Ortiz, is sworn in.

Mr. Ortiz states that, if approved, he would be the general manager seeking a class 5 retail license, limited to adults 21 and over.

He has attended an array of seminars in New Jersey and New York. They will be following the NJ Cannabis regulations.

He states that he is familiar with Bloomingdale’s standards.

He discusses the proposed use stating that the goods would come from licensed vendors in vacuum sealed packaging. There will be no opening of packaging or consumption by customers or employees on the premises. The proposed hours are 11am – 7pm. He anticipates the peak hours to be between 3pm-5pm. The first 90 days will be by appointment only.

Only adults aged 21 and older will be permitted in the store.

A security guard will be at the door scanning ID’s. All appointments will be done online.

Any and all products will be CRC (Cannabis Regulatory Commission) approved. All products regulated and prepacked. No smells will emanate from packages.

products will be showcased in back of building in glass enclosures.

The building will be covered with security cameras. Customers will not be able to touch the products. There will be no kind of signage such as “let’s get high” language. No commercial mascot promoting the products.

There will be no paraphernalia in windows.

There will be samples in glass displays but the product is locked in a vault in back room.

Customers can order online or through a kiosk in the store.

There will be no odor coming from packages. If there should be a bad batch, it is securely stored away, and a disposal company picks it up within 5 days.

Deliveries are made by armored vehicles. There will be an armed security guard at the door along with video surveillance. The applicant will share surveillance footage with Bloomingdale Police Department if needed.

The applicant has a license from the State of New Jersey date 2/24/24.

The applicant would like to set up consumer education classes for those interested.

Deliveries will come from the wholesaler once or twice a week, depending on demand. The products will be grown in the State of NJ. There will be a pre-application available online for customers to order and pick up.

There will be 3 employees on premises which will include a security guard, the manager and customer service employee. Most customers know what they want, come in and purchase and leave.

Mayor D’Amato confirms you must be 21 to enter the building.

Mr. Ortiz states again for the record that no one under 21 is permitted in the building, even if they are with an adult.

Comm. Graf states that windows and signage were mentioned.

Mr. Ortiz states that the windows will be blacked out/darkened so that people can’t see in but can see out.

As for point of contact, if approved, the applicant will cooperate and will supply significant detail of names, phone #’s and times of availability. This will all be documented with the Borough. The applicant will agree to this as a condition of approval. If approved, a security plan will be approved by the police department.

Comm. Croop states that the applicant stated hours of operation to be 11am-7pm Monday thru Saturday. Since this business would follow the same ordinance as a liquor store, the hours of operation per the borough ordinance are 10am to 10pm, Monday through Saturday and 11am-7pm on Sundays. The applicant might not want to limit himself.

The applicant states that he will abide by the borough ordinance so as not to limit himself.

Comm. Steenstra asks if there is a limit to how much a customer can purchase.

Mr. Ortiz states they are allowed one ounce per consumer.

Chairman Simoni asks that there be ‘concealed weapon’ signage and signage stating ‘No One under 21 years’ can come into the store.

Mr. Brigliadoro asks how much online purchase versus walk in customers do they anticipate?

Mr. Ortiz states that most go online to see the product, know what they want, and then set up appointment to come in and pick it up.

He asks how and when deliveries are made.

Mr. Ortiz states that all deliveries come through a secure door on the side of the building and that all deliveries would be done before opening.

Comm. Steenstra asks what if security calls out, would you close the dispensary?

Mr. Ortiz states that yes, they would have to close.

Chairman Simoni asks if people would be allowed to hang around outside.

Mr. Ortiz states that they will not tolerate anyone hanging around.

Mr. Seckler states that they prepared a traffic and parking assessment report and looked at traffic generated from the business that previously operated as a coffee shop and found that the proposed business would not generate more traffic than the previous business.

At this time Michael Davina, 955 Lincoln Avenue, Glen Rock, NJ is a licensed professional engineer in NJ, NY, Connecticut and Delaware.

He speaks on the subject of the odor mitigation plan. They will install an HVAC split system with carbon filters which will be replaced every 3 months.

Mr Boorady asks if there will be any exhaust fans.

Mr. Seckler states that there will only be exhaust fans in the toilet area.

He states that ordinance does not allow opening before 10 am, so morning rush hour would not be affected.

In the 3pm-5pm time frame the industry projects 19 customers per hour which is 38 trips. This is probably overstated for this site as it is a smaller space. Saturdays may have more traffic, but likely more spread out in time.

The 1st 90 days will be online ordering only.

The new parking plan approved by the county will help maintain a more organized traffic plan. It is designed well for coming in and out of site.

On-street parking can be strategically labeled to benefit the business and borough.

The sign variance is related to the front of the building. The plan is to keep the existing building sign. The sign will shut off 30 minutes after closing.

The main aspects in finding a conditional use place in the borough was looking at areas in the

B-1 zone free and clear of schools, parks, fields, which leads to sites like this where you can reutilize an existing building. The design of the building is appropriate for this use. It meets all 14 standards which allow it to be considered a permitted use.

Positive criteria meet purpose A, which provides use outlined in this zone. And purpose I, which provides desirable vision design. A cleaner and enhanced architectural design, providing sufficient space. Overall, it does not have any substantial negative impact on the Master Plan as it relates to the zone.

Ms. Moore states that this concludes their testimony.

A motion is made by Comm. Steenstra, 2nd by Comm. Croop to open meeting to public questions and comments of the applicant’s professionals. Voice vote shows all in favor.

PUBLIC

Mr. Jakubowski, 226 Hamburg Turnpike

States that traffic is bad all the time. Pulling in and out is dangerous. The Bar is very busy on Tuesday, Friday and Saturday.

Anna Jakubowski, 226 Hamburg Turnpike

Asks architect why exhaust fans removed. What does that mean.

The architect explains that there will be a fresh air intake but no exhaust.

Ms. Jakubowski asks why do you need filters if no odor?

Architect responds because it is required by ordinance. There will be no discharge of air to the outside.

Mr. Brigliadoro explains the Borough ordinance as it pertains to the cannabis facility.

Ms. Moore states that this is a highly regulated application and there are a number of checks and balances that the applicant has to meet.

Ms. Jakubowski asks why there is a gun on the site.

Ms. Moore states that the State of NJ has regulations, and this is one of them.

Mr. Boorady states that the packages have no odor and are sealed so a carbon filter isn’t really needed, but the state requires it as a safety mechanism.

Motion is made by Comm. Steenstra, 2nd by Comm. Hammaker to close meeting to public for questions and comments of application #719. Voice vote shows all in favor.

Ms. Moore believes they have presented everything tonight and states that this use is highly regulated by the State of NJ and would ask the board to grant approval.

A motion is made by Comm. Steenstra, 2nd by Comm. Hammaker, to grant preliminary and final site plan approval, conditional use approval and “C” variance relief for the number of on-site parking spaces, lack of a loading space and the distance from the bottom of the building façade sign to grade level. This approval is granted strictly in accordance with any and all stipulations and recommendations set forth on the record. Roll call shows 9-0 in favor.

**PENDING APPLICATIONS**

**#702** Tri Boro Dental (Sluka) 40 Main Street Block 5088 Lot 4

**#704** 8 First Street LLC – 15 Hamburg Tpk Block 3032 Lot 3

**#717** 46 Star Lake Road, LLC 46 Star Lake Road Block 3035 Lot 33 (7/24/24)

**#723** Ken & Tersea Mackay 135 Demarest Road Block 4049 Lot 81 (7/24/24)

**#724** David Sulski 45 Lakeside Avenue Block 3045 Lot 5

**RESOLUTIONS**

**#715 Gjoni Construction, LLC** 120-124 Main Street Block 5059 Lot 12,13,14

(seated: Covert, Greenberg, Graf, Steenstra, Croop, Crum, Hammaker, Catalano & Simoni)

A motion is made by Comm. Croop, 2nd by Comm. Catalano to adopt and memorialize Resolution #715 as written. Roll call shows 8-0 in favor

**#696** **Damian & Edelmira Rodriguez** (2nd Granting of Extension of Time)

 21 Union Ave. Block 5064 Lot 16

(seated: Lippi, Guinan, D’Amato, Crum, Graf, Greenberg, Hammaker, Steenstra, Simoni)

A motion is made by Mayor D’Amato, 2nd by Comm. Crum, to adopt and memorialize Resolution #696 as written. Roll call shows 8-0 in favor.

**#722** Samuel F. Johnson 42 Mickens Lane Block 4049 Lot 135

(seated: Crum, Graf, Greenberg, Hammaker, Steenstra, D’Amato, Simoni, Lippi, Guinan)

A motion is made by Mayor D’Amato, 2nd by Comm. Crum to adopt and memorialize Resolution #722 as written. Roll Call shows 8-0 in favor.

**BILLS**

*Brigliadoro- Mtg Attendance 5/22/24 $548.00,* ***App #718 Kotefski $192, App #716 46 Star Lake $32, App #719 Green Paradise $544, App #722 Samuel Johnson $160, App #719 Green Paradise $528 (4/30 Invoice)***

*Darmofalski-**Mtg Attendance 5/22/24 $390,* ***App #722 Samuel Johnson $390, App #723 MacKay $520***

*North Jersey Media – Special Mtg notice 5/14 $17.94,* ***Legal Notice App #721 Accardi $10.53***

*DMC Associates-* ***Survey Services App #718 Kotevski $255***

 ***(escrow account)***

A motion is made by Comm. Catalano, 2nd by Mayor D’Amato, to pay bills as listed. Roll call shows all in favor.

**NEW BUSINESS**

Chairman Simoni asks board to make sure they are looking at the Redevelopment Study that was given to them at the last meeting. He stated that the Board may have to have a Special Meeting to accommodate the upcoming agenda items.

**PUBLIC DISCUSSION**

A motion is made by Comm. Croop, 2nd by Comm. Catalano to open meeting to the public. Voice votes shows all in favor.

Seeing no public

A motion is made by Comm. Covert 2nd by Comm. Lippi to close meeting to the public.

Voice vote shows all favor.

**ADJOURNMENT**

A motion is made by Comm. Croop, 2nd by Comm. Crum, to adjourn meeting @ 10:22pm. Voice vote shows all in favor.

Respectfully submitted,

Barbara Adubato, Secretary

Bloomingdale Planning Board.