

**BOROUGH OF GIBBSBORO
PLANNING BOARD MINUTES
December 27, 2023
7:00 P.M.**

Meeting called to order at 7:05 p.m.

Mayor Campbell read the Opening Statement: "All the notice requirements of the Open Public Meeting Act have been complied with in full."

ROLL CALL

Present:

Vice Chairman Michael Kelly
Mayor Edward G. Campbell
Councilman Michael MacFerren
Mrs. Susan Croll
Mr. Barry Rothberg
Mr. Dennis Deichert

Absent:

Chairwoman LuAnn Watson
Ms. Barbara Gellura
Mr. John Ritz

Professionals:

Solicitor, Kathleen McGill Gaskill
Planner, Brian Slaugh

Engineer, Gregory Fusco

Secretary Troxel was present via conference call

RESOLUTIONS

PB2023-12-29 RESOLUTION GRANTING MINOR SITE PLAN APPROVAL ALONG WITH A VARIANCE AND DESIGN AND SUBMISSION WAIVERS FOR A CANNABIS MANUFACTURING FACILITY TO BE LOCATED AT 16 DEMOCRAT WAY, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

Motion to adopt resolution: Mayor Campbell, second Mr. Rothberg

Poll: Ayes – Kelly, Campbell, Rothberg, Deichert

MINUTES

Motion to dispense reading and approve the minutes of 11/29/23: Mr. Deichert, second Mr. Rothberg

Vote: Ayes unanimous

CORRESPONDENCE

COMPLETENESS

1. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #23-08)

Applicant: MAKS Properties LLC
Project: Improvements to building exterior and parking lot for remodeling company showroom and office space
Address: 138 South Lakeview Drive
Block 18.02, Lots 2.09 & 1.04
Fee/Escrow: Paid

Revised Plan, received 12/15/23

Damien DeDuca, Esquire, appeared on behalf of the application. The applicant is requesting Preliminary and Final Site Plan approval and a Certificate of Appropriateness to operate a design center and showroom for kitchen and bath remodeling. The application was previously deemed incomplete, and the applicant has provided revised plans to address the comments provided by the Fire Official, Planner, and Engineer.

The applicant is seeking several waivers and design exceptions in conjunction with the application.

Following a discussion by the Board with the Board Planner and Engineer, motion to deem the application complete and grant requested waivers and exceptions: Mr. Deichert, second Mrs. Croll

Poll: Ayes – Kelly, Campbell, Croll, MacFerren, Rothberg, Deichert

OLD BUSINESS None

NEW BUSINESS

1. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #23-08)

Applicant: MAKS Properties LLC
Project: Improvements to building exterior and parking lot for remodeling company showroom and office space
Address: 138 South Lakeview Drive
Block 18.02, Lots 2.09 & 1.04
Fee/Escrow: Paid

Fire Review Letter, dated 11/8/23
Planner Review Letter, dated 11/22/23
Engineer Review Letter, dated 12/6/23

Joseph Mancini, Engineer, David Markowski, Architect, and Anthony DiGuglielmo, Owner, also appeared on behalf of the application and were sworn in by the Board Solicitor, Ms. Gaskill.

Mr. DiGuglielmo testified that there would be three employees on the premises: a full-time designer, a part-time bookkeeper/general manager (his wife), and a part-time designer (his daughter). The business will be conducted out of a 2-story office building with office spaces in the upper level

and a design center in the lower level. The design center will include a conference room as well as showrooms, including the existing kitchen. The anticipated hours of operation will be 9:00 a.m.-2:00 p.m., Monday through Friday, and meetings with customers will be by appointment. Customers are approximately 90% residential. Nine parking spaces are proposed, which will be sufficient for three employees and by-appointment customers.

The commercial building in the rear of the property will be used primarily for storage of hand tools, ladders, and other equipment and supplies needed to renovate kitchens and bathrooms on-site at customer’s residences or businesses. Occasionally, additions will also be built for customers depending on the situation. There will also be storage of some products for use in the projects, such as light fixtures and plumbing supplies, etc. No construction or fabrication of components for use in the renovation projects will take place on the property. Box truck deliveries are anticipated once per month. Deliveries of cabinets and counter tops will be directly to the site of installation in almost all instances. Trash related to the installation will also be disposed of at the job site.

Mr. Mancini testified that the required Sanford brick will be placed on the façade of the building. A new roof will be installed in a black/grey asphalt shingle. The existing columns will be painted white, and the remainder of the building will be painted a light grey or cream color.

The existing sign is on the adjacent lot and received prior Board approval in 2000 (ZB2000-10-13). The sign impedes the Borough’s desire to extend the bikeway along the front of the lot and connect with the existing trail at Marlton Avenue. The applicant agreed to relocate the sign to be placed in front of the showroom and office building. A sign detail will be provided, and the applicant will maintain the current sign size. The exact placement of the sign will be approved by the Engineer, and the design details will be approved by the Planner.

The applicant also agreed to provide a bikeway easement along the adjacent lot 1.04 to extend to Berlin Road from Rt. 561 and a possible conservation easement for environmentally constrained areas. They will work with the Board Engineer to identify these areas appropriate location for the easement and supply the appropriate language and metes and bounds description. The language of the deed of easement shall be drafted by the applicant’s attorney for review and approval by the Board Solicitor.

Public Comment: None

Motion to grant Preliminary and Final Site Plan approval and a Certificate of Appropriateness with conditions: Mrs. Croll, second Mr. Deichert

Poll: Ayes – Kelly, Campbell, Croll, MacFerren, Rothberg, Deichert

PENDING BUSINESS

- 1. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #23-09)

Applicant: Jane’s Joint LLC
Owner: RNM Construction LLC & AG Berenato
Project: Preliminary & Final Major Site Plan, Certificate of Appropriateness – Class 5 Cannabis Retail Dispensary

DECEMBER 27, 2023

Address: 142 South Lakeview Drive
Block 18.02, Lot 2.03

INFORMATIONAL

1. The Planning Board Reorganization meeting is scheduled for Wednesday, January 24, 2024 at 7:00 p.m. at the Gibbsboro Borough Hall at 49 Kirkwood Road. (Please note the change in location.)

PUBLIC COMMENTS

None

ADJOURNMENT

Motion to adjourn the meeting at 8:55 p.m. Mr. Deichert, second Mrs. Croll

Vote: Ayes unanimous



AMY C. TROXEL, Secretary

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**RESOLUTION OF THE BOROUGH OF GIBBSBORO PLANNING BOARD
GRANTING MINOR SITE PLAN APPROVAL ALONG WITH A VARIANCE AND
DESIGN AND SUBMISSION WAIVERS FOR A CANNABIS MANUFACTURING
FACILITY TO BE LOCATED AT 16 DEMOCRAT WAY, GIBBSBORO, NEW JERSEY,
ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF GIBBSBORO**

On November 29, 2023, the Borough of Gibbsboro Planning Board (hereinafter the “Board”) held a public hearing at which time the following members were present:

LuAnn Watson, Chairperson
Vice-Chairman Michael Kelly
Mayor Edward G. Campbell
Barbara Gellura
Dennis Deichert
Barry Rothberg
John Ritz

Absent: Councilman Michael MacFerren
Susan Croll

The following were also present at the meeting:

Kathleen McGill Gaskill Esquire, Solicitor
Amy C. Troxel, Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

Whereas the Board considered the Application of Topless Pre-Rolls, LLC, having an address of 16 Asperula Drive, Sicklerville, New Jersey 08081 (hereinafter referred to as the “Applicant”), for minor site plan approval for the premises known as 16 Democrat Way, Gibbsboro, New Jersey, also known as Block 59.03, Lot 3 on the Official Tax Map of the Borough of Gibbsboro (hereinafter referred to as the “Subject Property”) for the cannabis manufacturing facility proposed for the Subject Property.

Whereas the Applicant received a conditional use variance from this Board on July 26, 2023 granting the Applicant relief from the single occupancy and the six (6) foot fence enclosure requirements under the Conditional Use standards set forth in Borough Code §400-71.F(3) & (4) governing cannabis manufacturers allowing the facility to be located in a multi-tenant industrial building without a fence, which approval was memorialized by the Board on August 23, 2023.

Whereas the Board considered the following documents submitted by the Applicant:

- (1) Gibbsboro Land Use Application signed by the Applicant’s owner, Alan Lemmerman dated October 30, 2023;

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- (2) Borough of Gibbsboro Submission Checklist;
- (3) Minor Site Plan. Prepared by Ewing Associates dated June 20, 2023, and revised as of October 30, 2023, signed and sealed by Gregory J. Simonds, P.E. consisting of two (2) sheets;
- (4) Architectural Interior Floor Plan with Equipment and Security Plan, unsigned and undated and consisting of three (3) sheets;
- (5) Escrow Account Certification and Tax & Assessment Report;
- (6) Corporate Disclosure Statement dated October 30, 2023 and signed by Alan Lemmerman; and
- (7) Affidavit of Ownership and Consent, signed by Timothy A. Sevens, Vice-President of Fifth New Jersey Corp., the owner of the Subject Property, dated October 31, 2023;

Whereas the application was reviewed by the Board's engineer, Gregory B. Fusco, P.E., P.P., C.P.W.M. of Key Engineers Inc. by letter dated November 20, 2023; by the Board's planner, Brian Slaugh, P.P., AICP of Clarke Caton Hintz, by letter dated November 21, 2023; and by Craig Fallstick, Gibbsboro Fire Official by letter dated November 8, 2023;

Whereas the application was further supplemented by the Applicant's counsel, Kirk Pavoni, Jr., Esquire, by letter dated November 28, 2023 in response to the aforementioned review letter of the Board's Engineer, by letter dated November 28, 2023 in response to the aforementioned review letter of the Board's planner, and by letter dated November 28, 2023 in response to the aforementioned review letter of the Gibbsboro Fire Official;

Whereas a completeness hearing on this application was conducted on November 29, 2023 with the Applicant being represented by Kirk Pavoni, Jr., Esquire with the Applicant seeking a waiver of several checklist items for this fully developed site, namely Items #15,41,58,60,61,62,63,64,65,75,80,81 and 88 and with the submission of checklist items 33,34, 35,53,72,77,83 and 86 to be conditions of approval, and given the foregoing, the application upon motion duly made and seconded the requested waivers of submission items was granted and the application having been otherwise found to be complete for hearing purposes and a hearing on this minor site plan application proceeded in accordance with New Jersey statutes, the Open Public Meetings Act and the Municipal Land Use Law, with a quorum being present;

Whereas the Board heard and considered the testimony of Alan Lemmerman, the owner and founder of the Applicant, and having accepted and heard the expert testimony of Gregory J. Simonds, P.E., and the expert testimony of the Board's planner, Brian Slaugh, PP, AICP, and the Board's engineer, Gregory B. Fusco, P.E., P.P., C.P.W.M, and having open the hearing to the public with no member of the public wishing to comment and having heard the arguments of the Applicant's counsel, Kirk Pavoni, Jr., Esquire, and having considered the application and exhibits submitted in connection herewith;

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NOW THEREFORE, the Board makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant is a prospective tenant of the end unit of a four (4) unit industrial building located in the M-1 Industrial District of the Borough of Gibbsboro known as Block 59.03, Lot 3 on the Borough's Official Tax Map and commonly known as 10-16 Democrat Way, Gibbsboro. The industrial building is a one-story concrete building on a 1.01 acre lot with the lot and building meeting all bulk and area requirements for the M-1 Industrial District. Each unit has a glass storefront and a commercial garage door in the front of the building with a loading dock, another commercial garage door and a man door with steps to the ground in the rear. This site has 20 angular bituminous parking spaces in the front of the building configured into four rows of five (5) angular parking spaces with a row of parking spaces for the four (4) units. Access to and from this site to Democrat Way is through an ingress and egress point on the site with a part-stone and part-bituminous drive circulating around the building. The areas surrounding the Subject Property is industrial in nature with Winchester Roofing and the New Jersey American Water pump station in the immediate vicinity.

2. It is the Applicant's intention to occupy the end unit of this industrial building, which unit has an address of 16 Democrat Way (the "Subject Property"), as a cannabis manufacturing facility. The unit is approximately 2500 square feet in size. As noted in the Applicant's prior application, it has received conditional approval for a Class 2-Manufacturer License from the State of New Jersey Cannabis Regulatory Commission for this proposed site and local support of this application was provided in Resolution 2023-6-92 of the Gibbsboro governing body. The Applicant intends on undertaking interior renovations to this unit which renovations shall include interior wall modifications and additions to separate office space from the manufacturing areas, the creation of a storage vault area and to create areas for deliveries and on-site storage and the installation of various cameras and surveillance and security measures on-site. The wall shared by the Subject Property with the adjacent unit will be re-blocked and the top of the walls will be sealed to prevent odor escaping. A generator will be installed on an exterior concrete pad site as a backup power supply as required for security measures. Three filtration systems will be installed for odor and dust mitigation which the Applicant testified will be sufficient for the size of this operation. The Applicant proposes to install roll down security doors over the office windows and front door.

3. The Applicant's principal, Alan Lemmerman, reiterated his prior testimony on the proposed operation. The operation of this cannabis manufacturing facility will entail the purchase of cannabis products from licensed cultivators and then the product will be grinded into a pre-rolled cannabis product with the end cut off, packaged and marketed as a topless cannabis product resembling a cigarette. This pre-rolled cannabis product will be packaged and sold for distribution to state licensed distributors and retailers. The Applicant anticipates that they will process 10 pounds of cannabis per day with the maximum on-site cannabis storage being 50 pounds. Any waste generated in this process will be kept in locked containers visible to a security camera. This waste will be shredded or grounded and mixed with dirt, cat litter or another composable material

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so that the resulting mixture is at least 50% non-cannabis waste. This waste will be secured in a locked container until it is disposed of in accordance with the cannabis regulations to a solid waste facility. There will be no direct retail sales to consumers on this site. The Applicant anticipates that it will employ between one to four employees and the facility will operate in the daytime only from 9:00 AM to 5:00 PM, and any hours on weekends will be on an “as needed” basis.

4. The Applicant’s site plan will require a variance for the proposed loading space for the site. Pursuant to Borough Code §400-7E(2) the required loading space for an industrial building is 12 feet in width and 35 feet in length, which requirement is also a design standard as set forth in Borough Code 324-34A. The Applicant is proposing a 12 foot by 20-foot loading space and a variance is required. The reduced loading area is being proposed as a full-sized loading area would encroach on the access drive that circulates around the industrial building. The Applicant is also seeking design waivers for that loading area as it is to be construct with stone and unmarked and Borough Code§324-24 B-(3) requires that loading areas be paved with either bituminous or portland-cement paving surfaces with markings for safe loading.

5. The Applicant agreed as part of the site plan approval process to convert the existing five (5) angular parking spaces in the front of the unit to perpendicular 9 foot by 18-foot spaces, where parking spaces are required to be 10 foot by 20 foot pursuant to Borough Code § 324-33A. As agreed, the Applicant will reserve one of those parking spaces as a handicapped van accessible spot. The conversion from angular to perpendicular and the reduction in size of the parking spaces was agreed to as to eliminate the parking space from encroaching into the municipal right-of-way and the Applicant is seeking design waivers for these parking space modifications. A design waiver for the on-site drive aisle from the provisions of Borough Code §324-33A2 is required allowing the drive aisle behind the site to be expanded to 18 feet when 20 feet is required for an aisle carrying two-way traffic. As agreed, this stone drive aisle is to be replenished with stone. The driveway apron and curb cut are to be relocated to accommodate the driveway aisle. The Applicant testified that the owner of the site has consent to these site improvements. The lighting plan is to be revised to show that the minimum lighting standards around the unit are satisfied and given the non-residential nature of the site, light spillage shield will not be required. The exterior pad site for the required backup generator will be screened by a residential enclosure as is required by Borough Code § 324-33I. It was agreed that no streetscape improvements will be required.

6. The Applicant agrees to submit a traffic circulation plan as well as the Applicant’s fire safety measures for this unit to the Fire Official for his review and approval. The Applicant agreed to install a Knox box for its unit, and to have its security plan reviewed by the Borough Police Department. Additionally, the Applicant agrees to install an “End of Road” sign on Democrat Way.

NOW THEREFORE, BE IT RESOLVED, that the motion duly made by Mayor Campbell and duly seconded by Dennis Deichert on November 29, 2023 that the within application for a minor site plan approval under authority of Borough Code §324-8 et seq., along with a

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variance and design waivers as set forth herein be and is hereby **GRANTED** subject to the following terms and conditions:

1. That the application, all exhibits, testimony, maps and other documents submitted, and all representations made, and all testimony given before the Board at its hearing of July 26, 2023 and November 29, 2023 are true and accurate of the facts relating to the Applicants' request for relief. In the event that it appears to the Board, on reasonable grounds, that the application, exhibits, testimony, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same have been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought, the Board may rescind its approval and rehear the application, or any part of said application, either upon the application of an interested party or on its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. That minor site plan approval granted herein is subject to the following terms and conditions:

- (a) Compliance with the conditions imposed with respect to the grant of the conditional use variance of July 23, 2023;
- (b) Compliance with the outstanding completeness items which have been made a condition of this approval;
- (c) The site plan to be revised to show the existing angular parking spaces converted to 9 ft by 18 ft perpendicular spaces along with the required striping;
- (d) The site plan to be revised to show one (1) van accessible barrier free parking space appurtenant to the unit along with all appropriate ADA improvements and signage. Included in same is the submission of a grading plan with proposed spot elevations and slope for the review and approval of the Board Engineer;
- (e) The site plan to be revised to show the relocation of the driveway apron and curb cut opening to Democrat Way along with construction details as to the curbing and apron;
- (f) The site plan to be revised to show an aisle of 18 feet which drive aisle is to be replenish with stone constructed in a defined stone bed meeting the approval of the Board's Engineer.
- (g) The site plan to be revised to show the reduced loading area with a note that loading area to be replenished with sufficient stone to meet the approval of the Board's Engineer;
- (h) The site plan to be revised to show a lighting plan for the unit only (not the industrial site) which satisfies the minimum lighting standards;
- (i) The site plan to be revised to show a residential enclosure around the concrete pad holding the backup generator along with details of same;
- (j) The site plan to be revised to show a traffic circulation plan for submission to the Board Engineer and the Borough Fire Official for their respective review and approval;
- (k) The site plan to be revised to show the location and details of the Know Box to be installed at the Subject Property;

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- (l) The additional fire safety measures for the Subject Property to be reviewed and approved by the Borough Fire Official;
- (m) The security plan for the Subject Property shall be submitted to the Borough Police Department for their review and approval;
- (n) An “End of Road” sign to be install by the Applicant at the end of Democrat Way; and
- (o) The site plan to be revised to show the construction details for parking spaces, ADA improvements and signage, concrete aprons, light fixtures and residential enclosure.

3. The Applicant shall revise its plans to the extent required by the approval herein and as required to achieve conformance with the review letters of the Board professionals and with the testimony herein provided. The Applicant shall submit the revised plans to the Board’s engineer and planner for approval along with a letter detailing all changes made, and upon conformance and satisfaction of same, the perfected site plan shall be submitted in the number required for signature. The review letters referenced herein are incorporated into this Resolution as if set forth at length.

4. The Applicant is responsible for obtaining all other approvals or permits from other governmental agencies as may be required by law, and the Applicant shall comply with any requirements or conditions of such approvals or permits which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction contemplated in this application. The Applicant is solely responsible for determining which governmental and/or public agencies permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board’s Secretary of all approvals and/or denials received from any such outside agencies, with a copy thereof to the Board’s solicitor, engineer and planner.

5. The Applicant must maintain an escrow account with the Borough of Gibbsboro and pay the costs of all professional review and other fees required to act on the application, pursuant to the applicable provisions of the Borough’s land development ordinances, zoning code and any other applicable municipal codes, and the New Jersey Municipal Land Use Law. The Applicant’s escrow account must be current prior to any permit being issued, or construction or other activity commencing on the approved application or the issuance of any certificate of occupancy.

6. An engineer’s estimate of site improvements. If any, must be submitted for determining inspection escrow deposit amounts. No site work is to commence until such inspection escrow have been posted with the Borough of Gibbsboro.

7. At any time after adoption of this Resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition set forth herein, upon a proper showing of materially misleading submission, material misstatement, materially inaccurate information or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should

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the facts at said hearing confirm that there had been a material fault or deficiency in the application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval or such other action as appropriate.

8. The Applicant shall indemnify and hold the Borough of Gibbsboro harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representation made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance on certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Borough pursuant to N.J.S.A. 340:55D-12.C, and publication of the notice of public hearing in this matter in accordance with the law.

ROLL CALL VOTE

LuAnn Watson, Chairperson	YES
Vice-Chairman Michael Kelly	YES
Mayor Edward G. Campbell	YES
Barbara Gellura	YES
Dennis Deichert	YES
Barry Rothberg	YES
John Ritz	YES

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to Borough Council within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.



Amy C. Troxel, Secretary
Planning Board
Borough of Gibbsboro

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The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on December 27, 2023, memorializing the action of the Board taken on November 29, 2023.



Amy C. Troxel, Secretary