

FRELINGHUYSEN TOWNSHIP LAND USE BOARD
AMENDED - Minutes-August 5, 2024 – REGULAR MEETING
7:00 PM

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. the Chairman, Martin Connor. This meeting was held at the Frelinghuysen Recreation Center, 139 Lincoln Laurel Road.

ANNOUNCEMENT OF PROPER NOTICE:

Notice of this meeting was provided by advertising in the New Jersey Herald and the Express Times, the official newspapers of the Frelinghuysen Township Land Use Board. Notice has also been posted on the Township bulletin board and the website.

FLAG SALUTE

ROLL CALL:

Present were: Martin Connor, Alan DeCarolis, Crea Mallery, Lowell Forbes, James Simonetti, Pamela Rogers, Edyta Hein. Absent was: Christopher Stracco, Don Soisson, Daniel Rogers and Robert Stock

CORRESPONDENCE: None

MINUTES:

The minutes of the regular meeting of July 1, 2024 were approved on motion made by Ms. Hein and seconded by Mr. Simonetti. All were in favor with Ms. Mallery, Mr. Forbes and Mr. DeCarolis abstaining.

Mr. Connor verified with the Board Secretary that the escrow balances were sufficient.

OLD BUSINESS:

One Faith Wellness, Block 201, Lot 31.01, Application No. 2024-01 – Route 94 – Public Hearing –

Mr. Brady spoke on re-notice placed in newspapers and proof of service to affected residents were all in order. He asked for clarification as to whom Mr. Haggarty represents: Nelson Albert, Judy Togno, Art Lizza, Tamara Beckenthal, M. Donahue Conway and Doreen Rutherford.

Mr. Brady also spoke on the D3 variance requirements regarding “school” definition for the Yellow Frame Sunday School. He advised the Board that they need to first make a decision on the definition of a school and if the Sunday school falls under that. Mr. Haggarty and Mr. Selvaggi explained their positions on this and Board will need to vote on whether the Sunday school is a “school” according to state definitions or town ordinance.

Mr. Haggarty still states that the Sunday school is a school based on our town ordinance and urges the Board to treat it as such. Mr. Selvaggi stated that according to our own town ordinance Section 601B does define that a school as being licensed by the State of NJ and houses elementary and/or high school education which the Sunday school does not and is not licensed by the State of NJ. Mr. Brady then read town ordinance again for the Board of the town definition of a “school”.

Mr. Simonetti asked the attorneys if the Sunday school was licensed by the State of NJ and they stated no.

Ms. Mallery had many questions in regard to the Ordinance section 601B classifying public and private schools. Ms. Mallery asked what the ages were of the kids who attended the Sunday school and if the “Drug free zone” applied to this Sunday school. Also, the church would have had to apply to Frelinghuysen to be in the drug free school zone which they did not. Mr. Brady answered the questions about the drug free zone and how cannabis does not fall under a drug free school zone.

Mr. DeCarolis asked for the State definition of a school which Mr. Brady answered and Mr. DeCarolis asked for clarification of the distance from a company like this and a school as being from the building or the property boundary line. It was clarified that it is from lot line of school to the nearest building containing the cannabis. Mr. DeCarolis also asked for clarification on the company name.

Mr. Connor asked for a motion to deem the Yellow Frame Church Sunday school not a school based on our town ordinance. Mr. Forbes made that motion, with no second.

Mr. Connor asked for a motion to deem the Yellow Frame Church Sunday school is a “school” by town ordinance definition. Motion was made by Ms. Rogers with no second.

Mr. Simonetti then stated he does not feel he has the expertise to determine what constitutes a school and what does not and he does not feel comfortable or prepared coming into this meeting in order to vote because he has not had time to look over all the information as to the definition of a “school”. He stated he did not receive any correspondence from Mr. Haggarty or Mr. Selvaggi. Mr. Brady explained interpreting the Town’s ordinances falls under the duties of a Land Use member. It needs to be decided to be fair to the applicant because they need to know if they need a D3 variance.

Ms. Mallery stated she thinks they need to have it broken down into (1) what is a school and (2) hear more about the Yellow Frame Sunday School. She stated there are 5 other properties in Frelinghuysen who may be able to be deemed a school so it is important to figure out what constitutes a school now for future business that could come before the Land Use Board.

Mr. Selvaggi again states that if they are licensed by the state of NJ then it teaches the “3 R’s” and does not mention religion of any kind under the separation of church and state. So unless the church is teaching classes that you see in Frelinghuysen school, it’s not going to get a license from the state.

Mr. Brady asked the Board Secretary if everyone had a copy of the correspondence from Mr. Haggerty and Mr. Selvaggi and Mrs. McPeck stated that Mr. Haggerty did not copy the Board on his correspondence so that the members only had a copy of Mr. Selvaggi’s answer to Mr. Haggerty’s correspondence.

Ms. Mallery asked Mr. Haggerty for clarification of the exemption from licensing for religious schools.

Mr. Connor called a 10-minute break at 7:39 pm for the Board to review Mr. Haggerty and Mr. Selvaggi’s correspondence in order to prepare for a vote.

Meeting called back in session at 7:49 pm by Mr. Connor. Mr. Simonetti wanted the meeting opened to the public prior to the vote, but Mr. Brady stated the vote is the job of the Board. Mr. Selvaggi objected to opening it to the public.

Motion made by Mr. Forbes, seconded by Ms. Hein to vote on whether the Board believes by definition the Sunday school IS NOT a school.

Mr. Connor asked for a roll call vote. Roll call: Ms. Hein – yes, Mr. Connor – yes. Mr. Decarolis – no Ms. Mallery – abstain, Ms. Rogers – no, Mr. Forbes– yes, Mr. Simonetti - no Mr. Rogers, Mr. Soisson, Mr. Stock and Mr. Stracco were absent. Motion failed 3-4

Motion made by Ms. Mallery to define a school for purposes of 601P section of the Ordinance to be any public, private or religious elementary or high school, seconded by Mr. DeCarolis.

Mr. Connor asked for a roll call vote. Roll call: Ms. Hein – no, Mr. Connor – no, Mr. Decarolis – yes, Ms. Mallery – yes, Ms. Rogers – yes, Mr. Forbes– no, Mr. Simonetti - yes Mr. Rogers, Mr. Soisson, Mr. Stock and Mr. Stracco were absent. Motion passed 4-3 does not moves us forward with issue at hand.

Ms. Mallery would like more information prior to the next meeting when the Sunday school meets, how long do they meet, etc. Mr. Selvaggi stated since Mr. Haggerty raised this issue he should be able to answer these questions. Mr. Haggerty had limited answers and did not bring his witness who runs the program. Mr. Selvaggi argues that Mr. Haggerty’s testimony is hearsay and he cannot be cross-examined. Mr. Brady agrees.

Mr. Selvaggi told the board that the decision they have made thus far is against their own ordinance and he feels the Board is taking “the easy way out”. Mr. Selvaggi asked why Mr. Haggerty did not come prepared with the director of the Sunday school since he raised this issue last month in July. Mr. Selvaggi reminded the board that the application has already been deemed complete and is now in the 95-day review for a vote. He believes that Mr. Haggerty comes to each meeting and raises issues but then never comes prepared to address what he brings to the table which is simply just wasting everyone’s time.

Mr. Simonetti asked Mr. Brady where the application was in the 95-day rule and does not want to feel rushed into a decision. Mr. Selvaggi stated that at this point he does not even know where to go from here for the next meeting if there is no vote because of Mr. Haggerty’s last minute correspondence prior to the meeting when he had a month to send it.

Mr. Brady stated that he would do a memo to the Board giving his legal advice so they know where they stand prior to the September meeting. Mr. Brady asked Mr. Selvaggi if he wanted to proceed with a witness and Mr. Selvaggi stated he would like to start with his Operational expert to testify so that the meeting is not a complete waste.

Mr. Brady swore in Mr. Jerod Adams, from Hudson, NY who will be the General Manager/Project manager of the site in Frelinghuysen. He has been in this business for 16 years. Mr. Selvaggi confirmed with Mr. Adams that the site is cannabis cultivation only and puts into submission Exhibit A101 which is the acceptance of license from CRC and he stated the license is extended through June of 2025. Mr. Selvaggi asked Mr. Adams what was planned to be built on the property and Mr. Adams stated 2 greenhouses totally 62,000 square feet and a storage/processing building totally 10,000 square feet. Exhibit A102 was introduced which was a diagram of the buildings and a colored site plan with a date of 12/13/2023. Mr. Adams stated the greenhouses will have blackout curtains inside to promote flowering. Mr. Selvaggi asked Mr. Adams to explain the grow process that will be done at this property. Exhibit A103 is the processing facility of 10,000 square feet. Mr. Selvaggi went over all outstanding points listed in Ms. Green’s last review letter and Mr. Adams provided testimony on each.

Mr. Bejin from Collier’s Engineering office confirmed how long the surveillance videos are housed for to which Mr. Adams stated they will be kept based on state regulations. Mr. Bejin asked about the server and its backup, questioned as to what the 2 generators would operate and Mr. Adams stated that one will back up the greenhouse/odor and the other generator will operate the processing plant. Mr. Bejin confirmed that the cameras on the fence, security gate and badge access would all be part of the backup generators and Mr. Adams confirmed. Mr. Bejin also confirmed that there will be security cameras inside the greenhouses. Mr. Bejin advised Mr. Adams they still needed to comply with the 2 square feet of signage.

Mr. Good, Land Use Board Engineer, asked if the greenhouse buildings are entirely enclosed, to which Mr. Adams stated yes. Mr. Adams stated they are 12 and 14 feet tall and you cannot see through them. They use exhaust fans to bring air in and odor control going out. Mr. Good asked about the waste scheduling and Mr. Adams stated all waste will be quarantined until it is hauled off site and all waste is part of the Metric Program.

Ms. Rogers asked about the water usage on the property and Mr. Adams stated they will be using approximately 10,000 gallons/day and the water will be recycled with the retention pond and will also use runoff from the buildings. She asked if there would be any problems with enough water from the retention pond and Mr. Adams stated there is 100,000 gallons of water in the retention pond.

Ms. Mallery asked if the CRC license preceded the purchase of the property and Mr. Selvaggi stated that the company needed to identify a property in order to get the license and the license is contingent on approval of the application. Mr. Selvaggi added that the Town Committee gave their endorsement to another property in Frelinghuysen prior to the licensing. Mr. Selvaggi objected to a member of the public handing Ms. Mallery a notebook and the resident was directed to take back the notebook. Ms. Mallery asked who owned the trucks coming in and out of the property and would they be unmarked. Mr. Adams stated CRC has regulations that the trucks have to be unmarked. She also confirmed where the security would be located.

Mr. DeCarolis asked if they did any well water testing on the property and Mr. Adams stated no. Mr. DeCarolis asked if they would be willing to test the well water now and a year from now to see if there is any contamination from the cannabis and Mr. Adams stated that it is impossible that residents could get high from contamination in their well water.

Mr. Simonetti asked how the company was paid and Mr. Adams stated there will be no cash at the facility. Mr. Simonetti asked if the guards will be armed and Mr. Selvaggi stated they will have an expert to answer security questions.

PUBLIC PARTICIPATION FOR TESTIMONY OF MR. ADAMS— On motion made by Mr. Simonetti and seconded by Mr. Rogers, the meeting was opened to the public.

Dave Paust, Chairman of the Frelinghuysen Environmental Commission, asked what the recharge is on the retention pond. Mr. Selvaggi stated that their Civil Engineer will address that. Mr. Paust also asked if the company will comply with all town ordinances with regard to odor. Mr. Adams stated they will.

Resident, Ed Remia asked if the generator will have an auto transfer switch and Mr. Adams confirmed it does. Mr. Remia also questioned air quality to which Mr. Selvaggi stated their Engineer will address that.

Resident Brian James asked if the company had done any fog studies and Mr. Adams stated yes and it was safe and non-toxic. Mr. James asked what would happen if the cable/internet goes out for an extended amount of time with the security system being hooked to the server and Mr. Adams stated there is battery backup and it is linked to the web also. Mr. James claims that half of Frelinghuysen has no high speed internet.

Elliott Ruga from NJ Highlands Coalition, asked for confirmation on the greenhouse operations with one having 2 seed to harvest cycles and the other has 4. Mr. Adams confirmed that. Mr. Ruga asked if they can expand and Mr. Adams stated they could maximize their square footage which would require them to come back in front of the Land Use Board.

Resident Kirk Perez, State Park Road, stated his main concern is security. Mr. Perez asked if the trucks will leave the cannabis farm and drive through the Drug Free School Zone during school hours. Mr. Selvaggi stated DOT regulations would be followed. Mr. Perez asked if Mr. Adams had any knowledge if any of the transport trucks being pulled over and robbed. Mr. Adams stated he had no knowledge to that. Mr. Perez asked if Mr. Adams was aware of a facility in Mt. Vernon, NY being robbed where a security guard and an employee were killed? Mr. Adams stated no. Mr. Perez voiced again how the residents had no say in whether or not the town opted in or out when it came to cannabis. Mr. Connor stated this line of questioning was out of line. Mr. Perez continued to speak about Mt. Vernon's robbery and Mr. Selvaggi objected. Mr. Perez was asked to have a seat.

Nick Soranno, Lincoln Laurel Road, asked if the company did research in regard to the law enforcement in the area. Mr. Selvaggi stated they will have an expert speak about security. Mr. Soranno was told his line of questioning is not appropriate for this witness.

Resident, Teddy Hahn, asked about the water usage. Mr. Selvaggi stated there will be an expert to address that.

Nicole Wladich, resident on Lincoln Laurel Road, stated she contacted CRC and questioned people listed on license that was backed by Millville who rescinded their backing. She stated that the company has 180 days to get backing by Land Use Board as per Town Resolution. She claims there is no active license with CRC. Mrs. Wladich questioned who the owners were.

Lorraine Redlich, resident of Green Township on Yellow Frame Road, her main concern is water usage and it effecting her well. She is also concerned with odor. Mr. Selvaggi stated there will be experts to address her questions.

Keith Brown, resident, asked if testing results will be available to the public. Mr. Adams stated they are available to the public.

Dave Togno, resident, asked what banks they will be using and if they will be using banks located in the United States and Mr. Adams stated yes and there are banks that work with cannabis companies. He also asked how the company is paid and Mr. Adams stated they are paid with checks and wire transfers.

Ruth Perretti, resident on Spring Valley Road, asked who owned the property/business and what other businesses do they own.

Lisa Ryans, resident on Stone Bridge Road asked if they will be drug testing employees and Mr. Adams stated no.

Mr. Haggerty, speaking on behalf of his clients, asked if they have received their Wetlands Letter of Interpretation and was told it had not been issued yet. Mr. Haggerty stated that the Letter of Recommendation given by the Township Committee on 11/8/23 has expired and has not been renewed and Mr. Selvaggi stated he would have to find out. Mr. Haggerty asked if Mr. Adams had any knowledge of Millville and Mr. Adams stated no.

Mr. Connor asked for motion to close public session testimony of Mr. Adams. Motion made by Mr. Simonetti, seconded by Mrs. Hein. All were in favor.

PUBLIC PARTICIPATION – On motion made by Mr. Simonetti and seconded by Mr. Forbes, the meeting was opened to the public.

Nick Soranno, Lincoln Laurel Road, commended the Board for their professionalism at this meeting. Mr. Brady reminded Mr. Soranno he cannot ask any questions in regard to the application.

ADJOURNMENT:

There being no further business, the meeting was adjourned on motion made by Mr. Forbes, seconded by Mr. Simonetti. All were in favor. Meeting adjourned at 10:26 pm.

Respectfully Submitted,

Dawn McPeek

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