

FRELINGHUYSEN TOWNSHIP LAND USE BOARD
Minutes-September 9, 2024 – REGULAR MEETING
7:00 PM

CALL TO ORDER:

The meeting was called to order at 7:02 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, Don Soisson, Daniel Rogers James Simonetti, and Pamela Rogers. Absent was: Christopher Stracco, Edyta Hein, and Robert Stock

CORRESPONDENCE: None

MINUTES:

The minutes of the regular meeting of August 5, 2024 were approved with revisions on motion made by Mr. Forbes and seconded by Ms. Mallery. All were in favor.

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

Board Secretary, Mrs. McPeek put on record that Mr. Rogers and Mr. Soisson had both listened to the tape of the minutes from the 8/5/24 meeting and certified as such.

RESOLUTIONS

2024-03 Stormwater Management Ordinance

Mr. Connor asked for a roll call vote. Roll call: Mr. Connor – yes. Mr. Decarolis – yes Ms. Mallery – yes, Ms. Rogers – yes, Mr. Forbes– yes, Mr. Simonetti – yes, Mr. Rogers - yes, Mr. Soisson – yes. Mr. Stock, Mr. Stracco and Ms. Hein were absent.

OLD BUSINESS:

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

Mr. Thomas, attorney for concerned citizens of Frelinghuysen, spoke about the two sections of the Town Ordinance, 601B and 601P and how they are vastly different in their definitions of a school.

Mr. Selvaggi, attorney for the applicant, disagreed about the definitions being different in the two sections of the Town Ordinance and believes the answer is obvious as to the definition of a school.

Mr. Brady gave a brief summary of the memo that he had done to the Land Use Board members in regard to the definition of a school and, in his opinion, the Yellow Frame Sunday School is NOT a school.

Ms. Mallery wanted to bring up two points: (1) 1,000 feet from playground is federal law and (2) does the Sunday School meet for 1 hour a week. There was no evidence of this introduced. The Town professionals indicate in their most recent reports that a D3 variance is not needed.

Motion made by Mr. Forbes, seconded by Mr. DeCarolis that the Yellow Frame Church Sunday School is NOT a school.

Mr. Connor asked for a roll call vote. Roll call: Mr. Connor – yes. Mr. Decarolis – yes Ms. Mallery – yes, Ms. Rogers – no, Mr. Forbes– yes, Mr. Rogers - yes, Mr. Soisson – yes. Mr. Stock, Mr. Stracco and Ms. Hein were absent. Mr. Simonetti did not vote.

Mr. Selvaggi recalled Mr. Adams to clarify three items that were noted in the most recent town professional's reports. Mr. Brady reminded Mr. Jerod Adams, from Hudson, NY who will be the General Manager/Project manager of the site in Frelinghuysen that he was still under oath from the previous meeting. Mr. Selvaggi asked Mr. Adams if there will be protocols for emergencies and power outages. Mr. Adams stated that there will be an employee handbook along with a security plan that would address those issues.

Mr. Selvaggi asked Mr. Adams to go over again the storage of any waste that will be at the facility. Mr. Adams stated that they will be using a metric tracking system that will track from seed to sale of the product and go all the way to the consumer in case of a recall.

Mr. Adams was asked about how the trash will be disposed of and he stated that there will be an 18-foot x 18-foot area with a fence around it which will house dumpsters which are separate from the cannabis waste.

Mr. Adams was asked how the facility will run in the event of a power outage. There will be generators which will turn on automatically and have an 8 hour back up.

Mr. Good, Township Engineer was acceptable of the above clarifications that were addressed in his most recent report.

Mr. DeCarolis asked Mr. Adams what would happen in the event of a lightning strike with the generator and Mr. Selvaggi stated that their engineer would speak on this topic.

Mr. Thomas, attorney for the concerned citizens of Frelinghuysent, asked Mr. Adams where the employee training manual was and Mr. Adams stated that until the facility is up and running, he does not have one currently. Mr. Thomas asked why he wouldn't just use a manual from another facility and Mr. Adams stated that Standard Operating Procedures (SOP's) are site specific so he would not be able to use a manual from another facility for the one in Frelinghuysen. The SOP's will be set up by a company who will be paid by the applicant and the SOP's are mandated by the CRC.

Mr. Thomas asked about the security company for the facility.

Mr. Thomas asked how long generators can run with no power and Mr. Adams stated that with the use of propane they can run indefinitely. The applicant's Engineer will speak more about the propane tanks on site.

Mr. Thomas spoke about the cameras that will be on the 8-hour battery backup. He wanted to know what happens after the 8 hours and Mr. Selvaggi stated that their security expert will speak on this topic.

Mr. Thomas asked if the stalks of the plants that are discarded are considered a controlled substance. Mr. Brady reminds Mr. Thomas that Mr. Adams already addressed that the plants are tracked.

Mr. Dan Rogers asked if the stalks contain any THC and Mr. Adams stated they contain a minimal amount and that they would be no use to the public. Mr. Adams reminds the board that stalks will be picked up, stored in the building and tracked and traced.

Mr. Simonetti left the meeting at 7:52 pm.

Mr. Connor opened the meeting up to the public with any questions for Mr. Adams and only Mr. Adams.

PUBLIC PARTICIPATION FOR TESTIMONY OF MR. ADAMS.

Kirk Perez, State Park Road, tried speaking of things that had nothing to do with questions for Mr. Adams. Mr. Perez stated, “there is something wrong going on in Frelinghuysen.” Continues to yell from his seat and is told by Mr. Brady that his behavior is inappropriate.

Doug Hahn, resident, wanted clarification on who owns the company and who holds the licenses. Mr. Selvaggi stated One Faith Wellness LLC is the license holder which is good through May, 2025. Mr. Selvaggi puts into evidence, Exhibit A201 which is the license for the property. Mr. Hahn also asked about generator maintenance, what is the maximum amount of time systems can be down and Mr. Selvaggi stated the applicant’s engineer will address those questions.

Dan Rogers asked who are the Principals of the LLC and Mr. Selvaggi stated, Mr. Farrer holds 51% and Sharon Dachs holds 49%.

Nicole Wladich, resident, asked how did the company get the operating license and Mr. Brady stated that that was not a question for Mr. Adams.

Ed Remia, resident, asked how many gallons are the propane tanks. Mr. Selvaggi stated the applicant has an expert who will address that.

Dave Togno, resident, asked if Mr. Faher, Principal of the company, has a criminal background. Mr. Brady stated it is not relevant to Mr. Adams. Mr. Selvaggi also stated that town cannot discriminate and only allow people into the town after criminal history checks are done.

Joe Van Vugt, asked why the greenhouses are not connected and feels it would be better if they were. Mr. Adams stated that they are not connected due to the complexity of the site.

Brian James, Bear Creek Road, asked if the unmarked vans picking up the product from the company and travelling past the school violates the drug free school zone. Mr. Adams was not qualified to answer that question.

Ruth Perretti, resident, started to show a cover of Time Magazine and was told by Mr. Brady that her statement does not have a question for Mr. Adams.

Mr. Callaruso spoke out of turn and asked why the committee wanted to make Frelinghuysen a dumping ground. He continued to speak out of turn even when Chairman Connor asked for order. Mr. Callaruso continued to tell the committee they are up to no good. Mr. Brady advised Mr. Callaruso that he may have potentially or could have caused the board the ability to not stay partial and the speaking out of turn is helping no one. Mr. Callaruso continued to state no one wants the pot farm. He then stated that if they build the cannabis farm, the town will end up with shootings and robberies.

Meeting is closed to public as far as questions for Mr. Adams.

Mr. Selvaggi called Derek Stucki, who works for Cannabusters and was from Texas. He was sworn in by Mr. Brady. Mr. Stucki states that Cannabusters' main purpose is to eliminate the odor that is created from cannabis. Mr. Stucki's experience comes from working for the company prior to becoming salesman. Mr. Selvaggi asked the approach of Cannabusters to eliminate the odor and Mr. Stucki stated it is through using an oxidizing mist.

Exhibit A202, Mr. Stucki handed out samples of Cannabusters in a small spray bottle. Mr. Selvaggi asked what the technology is behind Cannabusters. Mr. Stucki stated the system will eliminate the terpenes which create the smell by oxidizing through a "fog" that will be sprayed whenever the exhaust fans are on. He claimed that Cannabusters will eliminate 98.5% of the smell. The system will monitor the terpenes in and around the facility including the fence line of the property and will adjust accordingly. The data will be stored and if there is a smell complaint, the company can look back and see what caused the odor. In the greenhouses, the terpenes are released as the plants grow and as the exhaust fans cool the greenhouses, the Cannabuster's fog would be on the outside of the fan and would "fog" the air if it is detected that there is odor. Mr. Selvaggi asked if there is anything hazardous in the "fog" and Mr. Stucki answered no, it is all natural. It is not harmful to humans.

Mr. Stucki stated that the Cannabusters mist would be refilled using drums or totes. These refills are shipped as gallons.

Mr. Stucki claimed there are 3 installs in New Jersey, Vineland, Augusta and somewhere in the Hamilton area. He claimed to have been involved in 200+ installs of Cannabusters nationwide.

Mr. Connor asked if freezing of the product would be a concern and Mr. Stucki stated no.

Mr. Soisson asked about the monitors that would be on the fence line and Mr. Stucki provided a pamphlet that Mr. Soisson believed should be available for the public.

Mr. Brady asked if the monitors for the system would be on generators and Mr. Stucki stated yes.

Ms. Mallery asked how the air would be recirculated so that odors are not smelled and Mr. Stucki never really answered that but stated, "he guarantees all odor will be eliminated. Ms. Mallery also asked if odor must be organic and Mr. Stucki stated yes. Ms. Mallery also asked how loud the misting system is and Mr. Stucki stated its as loud as a sprinkler.

Mr. Rogers stated that the town ordinance clearly states that the odor system must use filters and recirculate the air. Based on that, Mr. Rogers opinion is that this system does not meets the ordinance because there are no filters and the mist is not being recirculated. Mr. Selvaggi stated he will speak with engineer in regard to the greenhouses and the fans. Mr. Rogers asked if iodine was the active ingredient and Mr. Stucki stated yes. Mr. Rogers asked what are the other ingredients and Mr. Stucki again deferred to the pamphlet.

Mr. DeCarolis asked for proof of the 98.8% of odor elimination and Mr. Stucki said he would provide proof. Mr. Stucki stated all misting is done on the outside of the greenhouse and Mr. DeCarolis asked what amount of mist goes into the atmosphere. Mr. Stucki stated a very small part is left after oxidation.

Mr. Rogers also asked who is the certified tester of the product and Mr. Stucki stated the company certifies the testing. Mr. Rogers stated that based on what Mr. Stucki is saying, the person who made the test is certifying the test and its results. Mr. Rogers stated that it sounds like a conflict of interest. Mr. Selvaggi stated they will do more research into this.

Mr. Forbes asked if it will pick up any kind of odor and Mr. Stucki stated yes.

Mr. Thomas asked if the product was like rain water, what is the product actually made of and Mr. Stucki deferred to the pamphlet. The Board wanted to know why Mr. Stucki would not tell them what the product is made from. Mr. Thomas also asked about the effects of wind and rain on the system and if the rain dilutes the system. Mr. Thomas asked if any cannabis sites are actually using the system and how much water is the system using and Mr. Stucki stated yes, the site in AZ was using it but he did not have the information on the water usage per day.

Mr. Rogers asked Mr. Stucki one last time why he refused to state what the ingredients are verbally and that he just deferred everyone to the pamphlet. Mr. Stucki stated yes that is our stand. Finally, Mr. Stucki stated iodine is the active ingredient.

PUBLIC PARTICIPATION for questions for Mr. Stucki

Dave Paust, resident, asked if gloves or masks are needed when handling product and Mr. Stucki stated no and no EPA needed if spilled. Mr. Paust asked if there was a performance guarantee in the contract. Mr. Paust asked if the system does not work and company gets shut down, are they offer nothing in their contract a performance guarantee? Mr. Stucki stated no and as of now the odor company does not have a contract yet with One Faith Wellness.

Mr. Thomas stated the pamphlet stated if the product comes in contact with the eyes, the eyes must be flushed, any contact with skin, wash immediately. Why are there all these medical directions if product is all natural? Mr. Stucki stated that was all mandated to say according to their lawyers.

Elliot Ruga, resident asked questions Mr. Stucki could not answer, however, Mr. Selvaggi stated the engineer will address water usage questions. Mr. Ruga also asked on a nice day, how far beyond the facility will the product remain active and Mr. Stucki responded 5-6 feet.

Ed Remia, resident, started to refer to his information and Mr. Selvaggi objected as he saw Mr. Remia conferring earlier with Mr. Thomas. Mr. Remia stated he has different questions than Mr. Thomas but Mr. Selvaggi stated the problem was that he is running his questions by the attorney and then still get to ask his own questions because Mr. Thomas does not represent Mr. Remia. Mr. Brady told Mr. Thomas

that if a resident comes to him who he does not represent, he is to redirect them to their seats. Mr. Thomas agreed. Mr. Remia asked Mr. Stucki for clarification as to who was Cannabreezy and Mr. Stucki replied that it was the retail label. Mr. Remia read the brochure he stated he got at the town hall and read that the company is not responsible for damages. Wanted to know what type of damages could be caused.

Brian James, resident, portrayed the mist and asked if the mist blows from the farm to the school and lands on his son, does his son need to take a shower. Mr. Selvaggi demands a question instead of the theatrics. Mr. Stucki stated no his son will not need a shower. It will not affect anyone.

Teddy Hahn, resident, asked if the water that the Cannabusters would need is part of the 10,000 gallons a day that was spoke about at the previous meeting. Mr. Stucki stated he did not have the answer right now.

Dan Edwards, resident, asked if this system was an elimination or mitigation system. Mr. Stucki stated that elimination and mitigation are the same, they eliminate odor by mitigating electrons. Mr. Edwards also asked how the meters would be adjusted for wind because it can be very windy in that area and Mr. Selvaggi stated that the engineer would answer that.

Lisa Ryan, Stone Bridge Road, asked how high do the odor sensors sense vertically and Mr. Stucki stated 8 to 10 feet. Ms. Ryan stated that Mr. Stucki stated the product is iodine based and iodine is a radioactive isotope that you give cancer patients and is that the type of iodine they use. Mr. Stucki stated no.

Dave Togno, resident, wanted to know what Mr. Stucki's credentials are and Mr. Stucki stated he had no degrees but a lot of experience in odor control. Mr. Togno asked if they have done any studies where there are a large concentration of children and the effects on kids. Mr. Stucki stated no. Mr. Togno asked if there will be a well on the property and Mr. Selvaggi stated yes and the retention pond on the property.

Doug Hahn, resident, asked about the fans and how many nozzles will they each have. Mr. Stucki stated it will be based on the size of the fan. Mr. Hahn asked if they use a particular nozzle and how is the flow rate measured. Mr. Stucki stated it has not been determined as of yet.

Ed Remia, resident, asked how many monitors on the fence and Mr. Stucki stated it was to be determined. He mentioned the 4 fans in the greenhouses will have 29,000 cfm and wanted to know the feet per minute, how fast does it go and the fans are blowing towards the school. Mr. Stucki did not know the answer. Mr. Remia wanted to know how many were installed at the AZ site and Mr. Stucki stated he did not do the install and cannot answer that. Mr. Remia went to the Boonton site and went through all their documents and there were no odors on the property. Recommends to know how many detectors before it is approved by the board. Mr. Remia asked how the monitoring info will be stored and Mr. Stucki stated in the cloud and there will be an application on the GM's phone and he will be able to always access the information. Mr. Remia wanted to know when Mr. Stucki will have all the information that he could not answer and hoped the public would be able to hear all the information before a decision is made.

Mr. Rogers asked why Mr. Stucki's brochure states you need personal protection but his testimony was you do not. Mr. Stucki stated you do not need personal protection and his personal experience is that it is as safe as rain.

Dineshwar Singr, resident, asked if the product was approved by the EPA and Mr. Stucki stated yes.

Meeting was closed to the public in regard to Mr. Stucki.

Mr. Brady announced that the next meeting is October 7, 2024 at the recreation center.

Motion to open the meeting to the public made by Mr. Forbes, seconded by Mr. Rogers. – No public questions.

ADJOURNMENT:

There being no further business, the meeting was adjourned on motion made by Mr. DeCarolis, seconded by Mr. Rogers. All were in favor. Meeting adjourned at 10:25 pm.

Respectfully Submitted,

Dawn McPeck