

**WEST AMWELL TOWNSHIP  
PLANNING BOARD – REGULAR MEETING  
June 21, 2022 Minutes – 7:00 PM  
(Meeting Held at South Hunterdon Regional High School Auditorium)**

The West Amwell Township Planning Board meeting was called to order at 7:00 PM by Chairman Tomenchok followed by the salute to the flag.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Tomenchok: This meeting was called pursuant to the provisions of the Open Public Meetings Act. This meeting was noticed as a regularly scheduled meeting transmitted to the Hunterdon County Democrat and the Times of Trenton on January 27, 2022. A copy of this notice is available to the public and is on file in the Office of the Planning Board and Township Clerk.

The following general policy statement of the Planning Board was read into the record by Chairman Tomenchok: The Board's general policy is to end the presentation of testimony on applications by 10:30 PM and to conclude all Board business by 11:00 PM. When necessary, the Chairman may permit a reasonable extension of those time limits.

**Attendance – Roll Call**

**Present:** Bob Balaam  
Jim Cally  
John Dale  
Nella Hamtil  
John Haug  
Carl Ippolito  
Christopher Morgan  
Joe Petrucci  
Rob Tomenchok  
Attorney Tara St. Angelo  
Planner Joanna Slagle  
Engineer William Burr

**Excused:** John Flemming – Alt. #2

**Approval of Bill List – 6/21/22**

A motion by Chris Morgan, seconded by Jim Cally to approve the vouchers for payment as listed on the 6/21/22 bill list was unanimously approved by roll call vote.

**New Business – Other**

**Public Hearing: (Continued from 5/17/22 Meeting) GMNJ Properties, LLC. Preliminary & Final Major Site Plan with Variances to Establish a Cannabis Cultivation Facility for Medical Purposes – Block 16 Lot 17.02 – 638 Brunswick Pike**

Chairman Tomenchok read the following statement into the record:

*“Before we resume this hearing I should like to again offer a few comments.*

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*Regarding the conduction of the hearing last month – there were concerns voiced that the meeting was turned over inappropriately to the applicant. In response: the applicant does indeed get the floor to present his case, much like attorneys present their case in a court of law. This is the normal process.*

*There were concerns voiced that we wasted a lot of time talking about mulch and other unimportant matters. To this end, we discuss many items and we try to keep the mundane items to a minimum. It is the applicant's presentation and if we get mired in the minutiae it is my role as the Chairman to keep things moving. We have to balance expediency with diligence. Since this is new territory for us we are erring on the side of diligence.*

*As I stated in the last meeting, we departed from our normal process – in that we wanted to allow the public the opportunity to question each witness at the end of their testimony. While we undertook this with the best of intentions, it dragged out the proceeding and left many people frustrated. Therefore, unless the Board or counsellors object, I should like to resume our nominal hearing process. Board members and counsel, have you any objection?*

*Members of the audience, this means that you will have to hold your questions and comments until we open the floor to the public.*

*I again invite those with questions or concerns about the role of the Planning Board, and/or the application and hearing processes to review the Guide to the Planning Board, our Land Use Ordinance (Chapter 109), the Municipal Land Use Law (NJ 40:55D), and Robert's Rules of Order.*

*Henceforth, the process will continue as follows:*

*The applicant will present their remaining witnesses, interacting with the Board and our professionals.*

*At the conclusion of their testimony Mr Lieberman will be given the floor to present his case in opposition.*

*Upon completion of Mr. Lieberman's case we will open the floor to public question and comment.*

*During the public input period you may ask questions and offer comments. Please ask any questions first. General comments and opinions that are not questions will be limited to 3 minutes per person. If you intend to provide testimony, you will be required to be sworn in.*

*Everyone will be afforded the opportunity to speak, and we again ask that you restrict your questions and comments to the application.*

*Again, this hearing is to set the conditions under which the applicant may conduct his business.*

*There are no foregone conclusions other than that the cultivation and sale of cannabis is legal in New Jersey and it is a conditional use for this property.*

*Thank you for your patience."*

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Attorney St. Angelo noted that she wanted to clarify the question raised at the last meeting regarding the licensing of witness, Brian Zimmerman – Odor Mitigation/Plumbing/Fire Protection expert. Attorney St. Angelo noted that Mr. Zimmerman is not licensed in New Jersey and explained that ultimately Mr. Zimmerman's statements are guided by a licensed Engineer and the Board has the right to weigh his testimony accordingly.

Attorney St. Angelo also clarified the following items:

1. The stormwater "green structure" has not yet been fully designed but will be required to obtain both NJDEP and DRCC approval.
2. The existing septic system is located in a zone where cannabis is not allowed but she noted the County Board of Health is the agency who must review and approve the septic system.

Attorney St. Angelo commented that any approval given to the applicant would be conditioned upon all necessary outside agency approvals.

Attorney Spadaccini noted that the application has been amended to reflect the name of the licensee and he also stated that a full survey of the property has been provided.

Attorney Spadaccini called Mr. Zimmerman forward to finish his testimony which he started at the 5/17/22 meeting. Mr. Zimmerman presented a video addressing odor mitigation which was marked as **Exhibit A-17**. *(It was noted for the record that the exhibits were previously marked by the Attorneys and are now not in sequential order.)*

Mr. Petrucci asked if the secured doors will open in the event of an emergency. Mr. Zimmerman stated all of the doors are equipped with panic buttons.

Engineer Burr asked if EMS personnel will be trained on the facility. Attorney Spadaccini said yes.

Planner Slagle asked how maintenance will be performed. Mr. Zimmerman explained maintenance will be done on a rotating basis when people are out of the various rooms.

Attorney Spadaccini called Irrigation Engineer Dean Regan forward. Attorney St. Angelo noted Mr. Regan was sworn in at the May meeting. Mr. Regan provided his credentials to the Board and was accepted as an expert to provide testimony on this application.

Mr. Regan presented a water usage video which was marked as **Exhibit A-18**. It was noted for the record that the video represented that 75% of the water from the facility will be recaptured and reused. Mr. Regan stated that the initial water tanks will be filled slowly over a 7 day period. He estimated that a total of 2600 gpd would be used: 1700 gpd from recapturing water and 850 gpd coming from the wells on site. He noted 5% of the water will come off of the plants and stated no discarded water will go into the septic. Waste water will be stored in holding tanks and shipped off site.

Mr. Ippolito asked what the waste water consists of. Mr. Regan indicated the water has a concentrated form of the nutrients given to the plants and he remarked that it is cost prohibitive to try and filter it out. Mr. Ippolito asked who polices this. Attorney Spadaccini explained the State sanctions certain licensed labs who monitor the waste water.

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Mr. Morgan clarified that there are 2 wells on the property: (1) with a 4000 gallon capacity and (1) with a 28,000 gallon capacity and asked why a second well was drilled if the existing one is capable of handling what is needed to run the operation. Mr. Regan explained the original well only pumps 3 gallons of water per minute and cannot keep up with a 24 hour demand of 1750 gpd. He remarked that the demand may come over a few hours each day, such as 1700 gallons in 2 hours and then 50 gallons a few hours later.

Mr. Balaam asked how large the holding tanks are. Mr. Regan stated there will be two 3000 gallon tanks.

Engineer Burr noted the report provided to the Board indicated 990 gpd will be used and asked how often the tanks will need to be refilled. Mr. Regan stated the two 3000 gallon tanks will each be filled once and then the “condensation” and “holding tanks” will take over. Engineer Burr suggested a water monitoring report be provided to the Township annually if the application is approved.

Mr. Haug asked if the tanks could initially be filled by a water supply source rather than from the well. Attorney Spadaccini remarked they could look into it and expressed confidence they could be filled slowly, over a 7 day period, without issue.

Planner Slagle asked what the procedure will be for the waste water tanks. Mr. Regan explained approximately 100 gallons will be coming off of the plants and will be channeled into floor drains to a sump tank which will pump it into the holding tanks where a truck will come once a week to haul it off site.

Mr. Morgan asked about the sump tank in the ground and what assurances there are that it won't leak into the ground water. Ms. Hamtil asked about the sediment that is taken off site. Attorney Spadaccini stated they will comply with all of the required state regulations.

Mr. Balaam referred to the 3 tanks shown on the plans in the fertilizer room. Mr. Zimmerman commented that the tanks haven't actually been installed yet.

Attorney Spadaccini called Well Consultant Tom Stover forward along with Hydrogeologist James Peterson who was present via zoom. Mr. Peterson provided his credentials to the Board and was accepted as an expert to provide testimony on the application. He testified that Mr. Stover installed a new well in February of 2022 in the northern portion of the property which he commented is an excellent source of water.

Mr. Peterson stated GMNJ needs approximately 850 gpd of water and he went on to testify about the geological details of the groundwater and fracture conditions on the property. He talked about the bedrock in the Lambertville quadrangle and referenced generalized dip-oriented cross sections showing a multi-unit aquifer system in the sedimentary bedrock.

Mr. Morgan asked Mr. Stover how the proposed water usage on the subject site will impact surrounding wells. Mr. Stover commented that they blew all the water out of the well and then tested it for 4 hours and stated there were no complaints from any property owners. He remarked that utilizing only 850 gpd is minimal. Mr. Stover also commented that he believes the wells on Rock Road are likely 500 ft. to 600 ft. deep and are probably in a different aquifer.

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Engineer Burr asked Mr. Peterson if he reviewed the well records in the subject area. Mr. Peterson stated he did not do an NJDEP records search but has confidence in the numbers and the yield of the new well.

Mr. Stover suggested monitoring the neighboring wells. Attorney Spadaccini agreed to do so as a possible condition of approval. Attorney St. Angelo suggested a meter on the well which Attorney Spadaccini agreed to have installed.

Attorney Spadaccini called Septic Consultant Kelley O'Such forward. He was sworn in and provided his credentials to the Board. Mr. O'Such was accepted as an expert to provide testimony on the application. He indicated the County Board of Health reviewed the proposed facility use and capacity calculations and approved the existing septic system. Attorney St. Angelo referred to the County Board of Health Permit and marked it as **Exhibit A-20**.

Mr. Morgan asked what the condition of the septic system is as it exists today. Mr. O'Such explained it is a pressure dosed system and stated there is no evidence of any malfunction.

Engineer Burr commented that the County approval stated that the C.O. must be held until all DEP approvals are obtained. Mr. O'Such stated the County would like the odor mitigation reviewed by NJDEP before a C.O. is issued. He clarified that perc tests were done in the event a new septic system needs to be installed. Attorney St. Angelo noted that if a new septic needs to be installed on the other lot in a zone where cannabis is not allowed, the applicant would then need to seek a use variance from the Zoning Board.

Attorney Spadacinni called Acoustician Jack Zybura forward. Mr. Zybura was sworn in and provided his credentials to the Board. He was accepted as an expert to provide testimony on this application. He noted the State guidelines allow commercial entities 65 decibels at the property line 24 hours a day and for residential properties the standards are: 65 decibels during the day from 7:00 AM – 10:00 PM and 50 decibels at night from 10:00 PM – 7:00 AM.

Mr. Zybura stated the HVAC units on the east and west sides of the building must be surrounded by a sound barrier. He remarked the generator already has noise mitigation built in to it. He noted they only have to comply during testing, which would be about once a month.

Mr. Morgan suggested some type of noise testing performed on a regular basis should be considered as a possible condition of approval.

Attorney Spadaccini called Traffic Engineer Nick Verderese forward. He was sworn in and provided his credentials to the Board. The Board accepted him as an expert to provide testimony on this application. Mr. Verderese referred to previously marked **Exhibit A-2**: Sheet 2 of the site plans and highlighted the following details:

1. Peak hours will be 7:15 AM – 4:30 PM. He noted the 2018 NJDOT data was reviewed and the projected traffic calculations estimate 20 vehicles during certain time frames because employee work schedules will be staggered: 7:00 AM – 3:00 PM, 9:00 AM – 5:00 PM and 11:00 AM – 7:00 PM.
2. There will be 2 driveways on Rock Road West
3. There will be Sprinter vans or box truck deliveries in loading areas twice a day

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4. There will be a trash enclosure with pick-up once a week
5. There are 161 existing parking spaces and only 66 are required per the ordinance

Engineer Burr asked if future traffic was reviewed in relation to the prior church use on the property. Mr. Verderese said no and commented that if 161 parking spaces were required then they obviously had a more intensive use of the property.

Engineer Burr asked if there is way to encourage people not to utilize Rock Road West. Mr. Verderese suggested a directional sign be posted to encourage people leaving the site not to use Rock Road West.

Attorney St. Angelo asked if there was an analysis done to determine whether or not fire trucks can maneuver on the site. Mr. Verderese noted the property contains an existing parking lot so their assumption was that the fire company had already done an analysis when the church was operational. Mr. Verderese commented that he does not anticipate any access issues.

Attorney Spadaccini called Environmental Consultant Jeff Anderson forward. Mr. Anderson was sworn in and provided his credentials to the Board. He was accepted as an expert to provide testimony on this application. Attorney Spadaccini commented on concerns raised by objectors regarding the wetlands on the property. Mr. Anderson explained wetlands were located on the southeast portion of the property back in March of 1991. He remarked that he performed his own site assessment and believes they are still contained in this same general area.

Engineer Burr asked about the expired NJDEP Letter of Interpretation (LOI) as it relates to the site review done by Mr. Anderson. Mr. Anderson stated the applicant will not be encroaching on the wetlands and noted the existing parking lot is essentially the buffer.

Attorney Spadaccini called Security Expert Hector Corchado forward. Mr. Corchado was sworn in and provided his credentials to the Board. He was accepted as an expert to provide testimony on this application. Mr. Corchado stated the site meets all of the security requirements outlined in the Township's Ordinance and highlighted the following items:

Personnel will be local hires

Security lighting in the parking lot will be turned off at 9:00 PM

There will be fire alarm monitoring 24 hours a day, 7 days a week

There will be portable Co2 meters for use in the event of a Co2 emergency

The grass field will remain available for medical helicopter landings if needed

There will be fire lane striping and signage installed in the circle area of the building entrance

There will be 160 security cameras on site

There will be keypad access systems on site that automatically release in the event of an emergency

Fire and EMS will tour the site to familiarize themselves with the operation and safety procedures

Mr. Morgan asked Mr. Corchado what experience he has with cannabis facilities. He commented that he has been intertwined with cannabis law for quite a while and remarked these facilities require the highest precautions. Mr. Morgan asked if there is any data on the impact to local resources. Mr. Sullivan responded, stated he has no data but believes the impact is minimal.

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Chairman Tomenchok referred to social media noting people believe the local Police Department will be required to maintain security video. Attorney Spadaccini explained that is not the case and referred to Section 109-64(g)(1)(c) of the Ordinance. He noted his client is required to provide video to the local and state authorities if asked for it.

Mr. Petrucci asked about employee screening. Mr. Corchado stated all employees must pass a background and fingerprint check.

Attorney St. Angelo commented that the state regulations require local Police to be alerted of any breach of security on the site.

Attorney Spadaccini called Planner Tiffany Morrissey forward. She was sworn in and provided her credentials to the Board. Ms. Morrissey was accepted as an expert to provide testimony on this application.

Planner Morrissey went through the conditional use standards and highlighted the following items under Section 109-264 (C)(4)(b) of the Ordinance:

The building renovations maintain agricultural site standards

The application conforms to all of the requirements of the NC zone design standards

The application meets all of the parking requirements

The proposed site will not create a substantial impact on traffic

The site will have adequate stormwater design standards

The property is not farm assessed

The proposed facility is not near any schools

All security requirements will be met

All proposed signage conforms with the ordinance

Odor mitigation systems will be installed

All lighting will comply with the ordinance standards

All noise will comply with the conditional use standards

All cannabis cultivation will take place inside

The Board took a 10 minute break from 10:07 PM – 10:17 PM

Attorney Spadaccini clarified that the proposed fence height will comply with the ordinance standards.

Opposing Attorney Stuart Lieberman called Geoffrey Goll of Princeton Hydro forward. Mr. Goll explained he is a licensed professional with 25 years of experience in his field. He noted he has 3 issues with the proposed facility:

Stormwater – Mr. Goll stated gravel is considered impervious and he remarked the applicant is actually adding approximately 1000 sq. ft. of new gravel and should be filing a stormwater management report.

Wetlands – Mr. Goll commented that the Board is relying on a LOI that is 32 years old. He remarked there are wetlands on the corner of Rock Road West and stated he doesn't understand why the Board would waive this checklist item. Mr. Goll indicated an NJDEP General Permit #1 is needed.

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Septic – Mr. Goll referred to the existing conditions plan and stated it appears to indicate the septic is some type of shared use with Block 16 Lot 17.01. He also stressed the importance of the Board understanding the County approval only means the system is functioning. Mr. Goll noted the system was not inspected by a licensed Engineer and referred to a 11/19/21 letter which indicates part of the dosing system is actually missing, that the pump tanks were never pumped and that the alarm on the pump tank doesn't work. Additionally, mapping of the site done in February of 2022 shows how heavily forested the property is with invasive species covering the septic field. Mr. Goll questioned the applicant's calculations regarding water usage. He cited how he believes the standards in the table contained in Section 7.4(a) of the code apply to a grow facility vs. the standards in Section 7.9 the applicant used for warehousing.

Attorney Lieberman referred to letters dated 11/18/21 and 4/24/22 indicating septic tank(s) couldn't be located. He asked Septic System Consultant Kelley O'Such if the tanks had been found. Mr. O'Such said no and stated the County Board of Health is the Administrative Authority who reviews the system.

Attorney Spadaccini commented on the wetlands noting that his client is not proposing any improvements on the north side of the site and stated that regardless of whether or not the wetlands have crept, they are not encroaching on them.

Chairman Tomenchok noted the late hour. The Board realizing that this matter will not be completed this evening, carried the public hearing to their next regular meeting on 7/19/22 at 7:00 PM with no additional public notice required. It was noted for the record that if a special meeting is scheduled for this application, the applicant will re-notice.

### **Open to the Public**

Chairman Tomenchok opened the floor to public comment. It was noted for the record that no members of the public came forward at this time. A motion was made by Bob Balaam and seconded by Jim Cally to close the floor to public comment. The motion was unanimously approved by voice vote.

### **Minutes**

A motion by Joe Petrucci, seconded by Bob Balaam to approve the Board's 5/17/22 meeting minutes with no revisions noted was unanimously approved by voice vote.

### **Adjournment**

A motion by Bob Balaam, seconded by Jim Cally to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 11:20 PM.

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Maria Andrews, Planning Board Secretary