

**WEST AMWELL TOWNSHIP
PLANNING BOARD – SPECIAL MEETING
July 14, 2022 Minutes – 7:00 PM
(Meeting Held at South Hunterdon Regional High School Auditorium)**

The West Amwell Township Special 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 special meeting transmitted to the Times of Trenton on July 3, 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
John Flemming
Attorney Tara St. Angelo
Planner Joanna Slagle
Engineer William Burr

Excused: No one

New Business – Other

**Public Hearing: (Continued from 5/17/22 and 6/21/22 Meetings) 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**

Attorney St. Angelo noted for the record that the applicant had submitted the following supplemental information:

1. A wetlands review letter dated 6/29/22
2. A septic review letter dated 6/10/22

Attorney Spadaccini provided additional details on each letter highlighting the following information: With regard to the wetlands, he stated his client was seeking a waiver from obtaining an NJDEP Letter of Interpretation (LOI) because the wetlands on the far side of the parking lot area are not being disturbed.

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He clarified that at the last meeting a small portion of wetlands was referred to along Rock Road West as needing an NJDEP General Permit and he confirmed a permit was issued.

With regard to the septic, Attorney Spadaccini stated a lawsuit has been filed against the County Board of Health by the objector's attorney. He stated this is an outside agency approval which he understands would be required, and listed as a condition of approval, if the application is approved. Attorney Spadaccini then clarified the wastewater calculations provided in the letter from Roberts Engineering:

410 gpd (100 of which is from cultivation)

310 gpd (reverse osmosis)

240 gpd were removed from the calculations because it wasn't going into the septic system

Irrigation Engineer Dean Regan explained the reverse osmosis means the water is separated because it is not pure enough for cultivation. He noted only the clean water from the reverse osmosis and that from the restrooms will be going into the septic system.

Attorney Zoe Ferguson from objecting Attorney Stuart Lieberman's office came forward and asked where the wastewater will be trucked off site to. Mr. Regan stated they are in the process of reviewing vendors and at this point do not know who they will hire.

Attorney Ferguson attempted to ask questions of the inspection performed by Mr. Cahill of Septic Management. Attorney Spadaccini objected to the questioning noting the septic is an outside agency approval that the Board has no jurisdiction over. Attorney St. Angelo agreed.

Attorney Ferguson began asking questions of Environmental Consultant Jeff Anderson regarding the delineation of the wetlands. Attorney Spadaccini remarked this matter has already been discussed and Chairman Tomenchok agreed that the Board did not need to hear any more about the wetlands.

Chairman Tomenchok read the following statement into the record:

"Before we resume the hearing I should again like to provide a statement for the record:

Despite the social media innuendo of collusion and lack of transparency, this hearing is being held in accordance with all applicable statutes and policies. Nothing has changed.

We are treating this applicant the same way we treat any applicant.

As we concluded our last meeting, the applicant inquired about a special meeting and we agreed to consider scheduling one if practicable. It is within our purview to do so and our presence tonight is predicated on a properly executed public notice.

In short – we are in compliance with the Open Public Meetings Act, the Municipal Land Use Law, and the ordinances of West Amwell.

We received 2 requests to notify by mail all West Amwell residents that this hearing is occurring tonight. Since we are not required by law to do so, and it would be precedent setting, we did not act on the request.

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In terms of process - the applicant has presented his case, the objector has presented his case, and we will shortly seek input from the public.

Since the last meeting the applicant provided a few documents that were referenced during the cross examination of witnesses by the objectors' counsel. We will afford the objectors' counsel a few minutes to ask some follow up questions relating to those documents.

Afterward we will open the floor to the public.

When we do so, we request that you first – I repeat first - ask any questions that you have followed by any opinion or comment that you wish to offer.

Please confine your questions and comments to this application. In the interest of expediency we are limiting opinions and comments (excluding any questions) to 3 minutes.

Again, we are not here to discuss the legality or morality of cannabis nor are we here to discuss the fiscal impact.

I should again like to remind everyone that no member of the Planning Board has any financial interest in Green Medicine and that Mayor Cally asserted the same for the Township Committee.

There are no - I repeat no - foregone conclusions in this hearing other than the indoor cultivation of cannabis is a conditional use for this parcel. We are here to establish the conditions under which the applicant may conduct his business.

We thank you for your participation, patience, and cooperation.”

Open to the Public

Chairman Tomenchok opened the floor to public comment.

Judith Lavery of 151 Rock Road West came forward and asked for clarification on the decibel levels and wanted the Board to establish protections for residents if things go wrong on the site.

Alfonsina Sabidussi of 122 Rock Road West came forward and suggested a bond be established to protect the citizens of West Amwell.

Chris Scurti of 140 Rock Road West came forward asked questions about the septic including load testing, PFOA testing and tree removal. He also supported vehicles being restricted from exiting the site onto Rock Road West.

John Hoff of 1721 Linvale-Harbourton Road came forward and supported water monitoring being implemented on both the well(s) and septic system.

Marybeth Hunter of 167 Hopewell Road in Hopewell Township came forward and expressed concern over the stream corridors.

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Justin Holohan of 120 Rock Road West came forward and expressed concern over the potential for wells going dry.

Alfonsina Sabidussi of 122 Rock Road West came forward again and expressed concern about potential odor from the site.

Megan Hudson of 328 Rocktown-Lambertville Road came forward noting LOI's are only good for 5 years and remarked that the Township can be held accountable per the letter from NJDEP if the applicant violates any regulations.

John Hoff of 1721 Linvale-Harbourton Road came forward again and provided the Board with a list of what he believed the conditions of any potential approval should be.

Donna Loesch of 116 Circle Drive came forward and asked why there are conflicting reports on record. She also asked about the septic and referred to a study done in Denver, CO claiming 60% of air pollution came from cultivation facilities.

Pamela Bland of 121 Rock Road West came forward and asked where the public could go to other locations where these HVAC systems had been installed and she expressed concern over any potential expansion of the facility.

Bob Abitz of 201 Rock Road West came forward and asked if spot inspections of the facility will be done.

Diane Yoder of 1748 Linvale-Harbourton Road came forward and questioned whether or not there would be shower facilities in the facility.

Joanne Hoff of 1721 Linvale-Harbourton Road came forward again and asked if Attorney Spadaccini was sworn in.

Megan Hudson of 328 Rocktown-Lambertville Road came forward again and referred to the Freshwater Wetlands Protection Act and she questioned the LOI as well as the site development plans by Roberts Engineering.

Holly Abitz of 201 Rock Road West came forward and inquired as to how many sites GMNJ is currently operating and expressed concern for West Amwell turning into another potential "Dupont" situation.

Frank Lettieri, Jr. of 6 Wilson Road came forward asked about the HVAC system.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward and asked about the reverse osmosis system.

Nancy Churico of 7 Lake Drive came forward and expressed concern for the wells.

Michael DeSalvo of 380 Pennington-Titusville Road in Hopewell Township came forward and suggested the cannabis facility should be located in a more industrial location.

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Megan Hudson of 328 Rocktown-Lambertville Road came forward again and questioned the location of the holding tank.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward again asked about the underground tanks, the holding tanks, the plant material waste and the LOI.

Frank Lettieri, Jr. of 6 Wilson Road came forward again and asked for the address of the cannabis facility in Colorado that was referenced and also asked if any of the Board Members have toured a cannabis facility.

Mike Grewal of 1738 Linvale-Harbourton Road came forward and asked about the HVAC decibels, the height of the proposal sound attenuation wall and for details on the surveillance.

Pamela Bland of 121 Rock Road West came forward again and asked for the addresses of the other cannabis facilities referenced throughout the testimony and also asked about renovations being done without any Board approvals.

Megan Hudson of 328 Rocktown-Lambertville Road came forward again and asked about the size of the other facilities referenced, compared to this 30,000 sq. ft. site regarding sound, odor and water usage.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward again and asked how often emergencies happen.

Chris Scurti of 140 Rock Road West came forward again and expressed concern over the value of surrounding homes dropping.

Frank Lettieri, Jr. of 6 Wilson Road came forward again and asked about the decibel levels.

Christine Costantini of 19 Lake Drive came forward and expressed concern over water usage and the surrounding wells.

Cindy Foder of 12 Cedar Crest came forward and wanted confirmation that no tractor trailers will be accessing the site.

Diane Yoder of 1748 Linvale-Harbourton Road came forward again and confirmed the proposed hours of operation.

Megan Hudson of 328 Rocktown-Lambertville Road came forward again and asked for clarification on Exhibit 15: A letter from Board of Adjustment Engineer Tom Decker, from years ago.

Andrea Little of 31 Lakeview Road came forward and inquired about the power supply and potential traffic.

Bob Abitz of 201 Rock Road West came forward again and expressed concern over the potential noise from the site.

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Holly Abitz of 201 Rock Road West came forward again and noted the other 13 facilities approved in NJ were all in commercial/industrial zones. She also expressed concern over traffic, odor, noise, water usage and potential vandalism.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward again and suggested the Board review the “Best Practices” from Michigan for indoor grow facilities.

Adam Lucarini of 551 Brunswick Pike came forward and asked if the proposed facility should really be located on Brunswick Pike.

Fairfax Hutter of 167 Hopewell-Pennington Road in Hopewell came forward and expressed concern for the Barred Owls in the area.

John Hoff of 1721 Linvale-Harbourton Road came forward again and asked the Board to please read the document he gave them.

John Derrico of 7 Lake Drive came forward and expressed concern for his well, noting no impartial/independent study was done.

Pamela Bland of 121 Rock Road West came forward again and commented that the proposed application will affect her quality of life.

Emily Deadwyler of 107 Snyderstown Road in East Amwell came forward again and remarked that the Township did not do the “ethical thing” when planning for cannabis, but rather just did the minimum.

Alonsina Sabidussi of 122 Rock Road West came forward again and stated she wanted “accountability.”

Diane Yoder of 1748 Linvale-Harbourton Road came forward again and commented that the Board dropped the ball on letting the community know what’s going on and she remarked the Board should hire their own experts.

See no other members of the public come forward, a motion was made by Carl Ippolito and seconded by John Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

Attorney St. Angelo provided the following list of potential conditions of approval:

1. Any required easements must be approved by the Township Engineer
2. Payment of all taxes and liens must be current
3. A developer’s agreement must be established
4. Payment of COAH fees will be required
5. Payment of all fees and escrow must be current
6. Revised plans must be submitted in accordance with the professional’s memos and testimony provided
7. As-built plans must be submitted to Engineer Burr for approval prior to a C.O. being issued
8. Approval by all other required outside agencies
9. Amended site plan approval will be required if app’l moves or rebuilds septic system in the NC zone
10. If applicant determines a septic system must be in the SRPD zone, variance approval will be needed
11. Proof of electrical service from JCP&L will be required
12. A letter of interpretation from NJDEP and a permit to clear vegetation in the detention basis is needed

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13. Approval from NJCRC
14. Operating hours for the facility will be 7 AM – 7 PM, 7 days a week
15. Revised landscape plan to screen dumpster area to be reviewed by Board Planner and Engineer
16. Stormwater easement and Operation/Maint. Manual to be reviewed by Board Attorney and Engineer
17. Fire safety inspection and traffic circulation to be approved by the Fire Chief
18. All LED lighting to be approved by the Board Planner and Engineer
19. Revised plans need to show down-shielded lighting fixtures
20. All lighting to be turned off by 8 PM, except security lights
21. A night light test must be performed with results provided to the Board Engineer for approval
22. No signage will be lit except for the one at the driveway entrance
23. All cracks and damaged drainage, curbing, sidewalks and pavement must be repaired
24. A temporary construction trailer can be on site only during construction - no cultivation in the trailer
25. Construction shall be phased to begin with landscaping as seasonally appropriate
26. Sound attenuation walls must be built prior to any HVAC, odor or other units being installed
27. Applicant will work with the Board Engineer to determine if sound attenuation walls should be 20'
28. Applicant will provide a landscape maintenance guarantee determined by the Board Planner/Engineer
29. Applicant agrees to replace any dead or dying landscaping for the life of the development
30. Board Planner/Engineer will determine if add'l landscaping is needed after conducting a site walk
31. Applicant shall provide an annual report on the maintenance of the odor mitigation equipment
32. App'l will provide quarterly reports to the Twp. Engineer on the removal of cultivation wastewater
33. Water meters must be installed on both wells with quarterly usage reports provided to the Township
34. Applicant must comply with all applicable rules and regulations regarding disposal of wastewater
35. Cultivation wastewater will not be placed into the septic system, but rather collected in holding tanks
36. The plans must be revised to show the underground fire suppression tanks
37. A well interference test must be performed to determine if surrounding wells are being impacted
38. Neighboring well owners within 3000 ft. of subject wells must be notified of the interference testing
39. No final C.O. will be issued until all required outside agency permits have been granted
40. Plans must be revised to show the existing black iron fence has been removed
41. A noise test must be done to determine equipment complies with noise standards
42. Plans must be revised to show compliance with sign regulations
43. Stormwater Management Report and design must be updated to show compliance with the ordinance
44. The split rail fence along Rock Road West Ext. must be extended to the driveway
45. Signage will be posted to prohibit left turns out of the driveway onto Rock Road West
46. No tractor trailers are allowed on site, except those used to dispose of wastewater
47. Security training must be provided to all employees in conjunction with local emergency services
48. Copies of all documents referenced in the EIS must be provided to the Township and Twp. Engineer
49. Applicant must obtain permission from the NJDEP to remove any vegetation from the detention basin
50. Applicant must apply to NJDEP for an LOI and provide it to the Board's Professionals
51. App'l can do interior and selective site work at their own risk and in consultation with the Twp. Eng.
52. App'l can, at their own risk, begin const. prior to meeting all conditions in consultation w/Twp. Eng.

A motion was made by Carl Ippolito and seconded by John Haug to approve the conditional use and preliminary and final major site plan approval to operate a cannabis cultivation facility conditioned upon all of the conditions outlined above. The motion was approved by roll call vote with Mr. Petrucci opposing.

Roll Call Vote: Balaam: Yes, Cally: Yes, Dale: Yes, Hamtil: Yes, Haug: Yes, Ippolito: Yes, Morgan: Yes, Tomenchok: Yes, Flemming: Yes.

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Attorney St. Angelo noted that she will try and have the resolution drafted for approval/memorialization at the Board's regular meeting on Tuesday, July 19, 2022. She also stated that the Planning Board meeting on the 19th will be held at the normal, Municipal Building, location with no additional public notice required.

Open to the Public

Chairman Tomenchok opened the floor to public comment. Seeing no members of the public approach the microphone at this time, a motion was made by Bob Balaam and seconded by Carl Ippolito to close the floor to public comment. The motion was unanimously approved by voice vote.

Adjournment

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

The meeting adjourned at 12:47 AM.

Maria Andrews, Planning Board Secretary