

A SPECIAL Public meeting of the Brick Township Board of Adjustment was held on **October 10, 2018** in the Municipal Building. The meeting was called to order at 7:00 pm.

Notice of Special Public Meeting was read by Chairman Langer. He led the Salute to the flag and the roll was called.

MEMBERS PRESENT

Harvey Langer
David Chadwick
Mike Jamnik
Stephen Leitner
Louis Sorrentino
Dawn White
Carl Anderson, Alt 1
Michele Strassheim, Alt 2

MEMBERS ABSENT

Frank Mizer

ALSO PRESENT

John Miller, Esq.
Brian Boccanfuso, PE
Tara Paxton, AICP/PP, Assistant Municipal Planner (8:00 PM)
Denise Sweet, Court Reporter
Pamela O'Neill, Secretary

The Board Professionals were sworn.

NEW BUSINESS:

**BA-3116-PSP-FSP-D-8/18-385 Adamston, LLC
Block 195, Lot 11.01
385 Adamston Road**

John Paul Doyle, Esq., appeared on behalf of the applicant, Anne Davis, 385 Adamston Road.

Mr. Doyle gave an overview of the application. He noted the applicants did meet informally with neighbors to explain the proposed Medicinal Marijuana facility proposed.

He referred to Exhibit A1- Site Plan, A-2 Existing Conditions and A-3 Proposed Improvements to describe the site.

Mr. Doyle stated the former Ocean First Bank was approved by the Board of Adjustment about 40 years ago.

He said the applicant had met with the Architectural Review Board this evening.

Mr. Doyle spoke of the Compassionate Use Medical Marijuana Act that came into effect in the state of New Jersey in 2010.

He described the Alternate Treatment Centers and their locations and the existing locations and distances from this area noting there are about 30,000 registered patients with about 10 % living in Ocean County. He detailed how a patient qualifies for treatment, the process and limits. He outlined the security that is proposed for the facility.

Mr. Doyle stated the applicant will not seek non- medical retail sale of marijuana and they will agree to a condition to be in a resolution that would be recorded to forever prohibit sale of non- medical marijuana at the location

Mr. Doyle introduced the witnesses and Chairman Langer asked that they be sworn.

The following witnesses were sworn:

David Nase, 236 Drum Point Road, Security expert. He stated he has 26 years in law enforcement.

Christine Navarro Cafone, AICP/PP, 125 Half Mile Rd, Red Bank, Planner

Anne Davis, President, 385 Adamston, LLC,

Ken Wolski, Registered Nurse, and expert in Medical Marijuana

David Collins, Feltz/Collins Architecture, LLC, Licensed Architect

Jeffrey J. Carr, PE, PP, CME, Lindstrom Diessner and Carr, PA, Engineer

Chairman Langer accepted the credentials of the witnesses.

Mr. Doyle called Anne Davis to testify.

She testified she has lived nearby on Dorothy Place for 14 years and her law office is in Brick at the Pavilion Office Park. She is a Principal in 385 Adamston, LLC. She said her background is particularly suited to this cause.

She has been Executive Director for 10 years of Normal New Jersey, an advocate for patient reform of marijuana in New Jersey and is an MS patient herself. She has traveled to other states advocating for patients.

Mr. Doyle asked to have the Power Point Exhibit marked A-7 for the record
Chairman Langer reviewed the Exhibits

Exhibit-A-1 Ariel view of the Site prepared by Lindstrom, Diessner & Carr
Exhibit –A-2-Major Site Plan of the existing site
Exhibit –A-3 and A-4 Color renderings of existing and proposed conditions
Exhibit –A-5 the Growth Structure
Exhibit-A-6- Photo Board showing the surrounding properties
Exhibit- A-7- Power Point Presentation

Ms. Davis testified to the locations of the facilities in New Jersey and the driving distances to them. She said the closest facility is 50 minutes away.

Ms. Davis testified that Ocean County has the 2nd highest number of patients. They do not plan to make many changes to the existing bank building. It will be a clean calming Jersey Shore feeling.
She described the location of the proposed facility.
She explained how the building will work. No outside air will come into the building. There will be no odors outside.

Ms. Davis outlined how the Multi Layered Security Program will work. She described the magna lock system and the non- climbable fencing, 24 hour cameras.

She said there is a Medical Advisory Board with local members.

Mr. Doyle asked Ms. Davis how many employees she will have at the facility. She responded there will be a total of 50 employees, 30 at a time. All employees will be required to have a criminal background check.

Ms. Davis repeated she will agree to commit in writing that there will be no Recreational sales at the premises.

Chairman Langer announced there will be an opportunity to ask questions of each witness upon completion of their testimony. He stated the public will have an opportunity to comment at the end and asked the public not to ask repeat questions.

Max Flores, 110 Altier Avenue, was sworn. He asked Ms. Davis why they did not select the Pathmark site.

Ms. Davis said that site had a transient quality with many cars and people at the site. The proposed site will have only the ACT facility.

Mr. Flores asked how they would test for migraines and anxiety.

Mr. Doyle objected that Ms. Davis is not an expert and cannot testify.

William Truex, 404 Adamston Road, was sworn. He asked Ms. Davis how this proposal would improve life for his 5 and 6 year old children.

Ms. Davis responded that the facility will be much safer than the former bank and will have security. She said they were eliminating the lights that shined in the neighbors' houses.

He asked how he can provide more security for his home. She responded the home will be safer and there will be less traffic.

Roberto Flecha, 30 Poppy Court asked if the State prohibits Medical Marijuana Facilities in Hospital Support Zones.

Ms. Davis said it does not.

Brick Wenzel, 1903 Grand Central Av, Lavallette, was sworn.

He asked how they will enforce No smoking on the premises. Ms. Davis said the law does not permit smoking on the premises. Marijuana patients are permitted to smoke in designated areas at public buildings.

Quincy Patterson, 1612 Fort Street was sworn. He asked if they were near a public school. Ms. Davis said they are not near any public school.

Diana Diaz, 409 Reilly Road, was sworn. She asked why they were putting a Dispensary in a residential neighborhood.

Ms. Davis responded that there were other uses in the neighborhood including a VFW canteen, a 10,000 SF ARC building, a restaurant and a pet hospital.

She asked about the zone and was advised that the Board of Adjustment hears applications for other than the allowed use.

Jack Russell, 518 Highland Terrace, was sworn. He sated he does not live nearby, but is an Officer in the VFW.

He asked if the US Government was noticed. Mr. Doyle stated notice was given.

He asked about engineering, but was told there would be another witness.

He asked if it was required that the dispensary grow their own product. .

Ms. Davis responded it was.

Josephine Fischbach, 412 Earle Drive, was sworn.

She asked how the local police would be reimbursed for the extra police needed at the site. Ms. Davis noted they will be paying generous taxes that would help.

She asked about the increase in traffic. Ms. Davis said there was more traffic when it was a bank.

Debra Gudelis, 73 Tilton Road, was sworn and she asked if other facilities used the closed loop form of security.

Ms. Davis said they did.

She asked if it was possible to have the grow facility and the Dispensary in different locations. Ms. Davis said it is.

Jim Early, 393 Adamston Road, was sworn and he asked Ms. Davis how the facility would diminish his property values.

Ms. Davis said she could not answer the question.

Marcel Diaz, 409 Reilly Road, was sworn and she asked how she complied the data regarding the bank use verses the dispensary use. She explained her sources.

Nancy Merz, 624 Peter Place, was sworn. She asked if there will be other staff for research. Ms. Davis said a lot of the research will be done on line.

Ms. Merz asked if they have an expansion plan in place. Ms. Davis testified they do not have a plan at this time.

She agreed to ask her question about noise from the grow facility.

Sean FitzGerald, homeless, staying at Elmwood Dr in Burlington this evening, was sworn. He asked Ms. Davis to repeat who serves on the Medical Advisory Board. She stated a Doctor, a Chiropractor, a Nurse, a Physical Therapist, and a Patient.

Elizabeth Bott, 648 Donald Street, was sworn. She asked what kind of people will be coming to the dispensary. Ms. Davis said all walks of people.

Chairman Langer called for a brief recess at 8:40 PM. He called the meeting back to order at 8:48 PM.

Jeffrey Carr, PE, PP, Engineer, Lindstrom Diessner and Carr, was sworn and his credentials to testify as an engineer were accepted by the Chairman.

Mr. Carr described Exhibit A-1 an Ariel photo from Google maps showing the site and the site and surrounding properties.

He described Exhibit A-2 a highlighted tax map with various colors.

Exhibit A-3 and 4 are the site plan. Since the property is 1600 lineal feet, they needed to show it on two pages.

They propose to have a generous open space between the bank building and the grow facility to shield it from the street. He described the run off which will all be contained on site.

He described the Employee only parking area which visitors will not be allowed. He described the loading areas. Mr. Carr reviewed the following reports:

Bureau of Fire Safety Report dated August 23, 2018 and stated they agreed to the recommendations.

Traffic Safety from Brick Police Department, August 29, 2018 and agreed to the recommendations.

CME Associates, prepared by Brian Boccanfuso, dated October 5, 2018

Mr. Carr testified they will handle site operations with another witness.

Storm water Management will be designed to keep all the water on site

They will agree to the Landscape and lighting recommendations

Traffic circulation will work well, he agreed to provide all the turning templates

and they meet the parking requirements. They will not use the drive through and will close it off.

Mr. Carr testified to the setbacks and impervious coverage.

Mr. Boccanfuso testified he has had conversations with Mr. Carr and they agree on the storm water management. He said he does not take exception to Mr. Carr's testimony on traffic parking and circulation.

Mr. Boccanfuso asked about the County Planning Board. Mr. Carr said the County is not requiring any additional site changes.

Mr. Carr agreed the applicant will comply with the Township Noise Ordinance and will work with the Township on the Landscaping comments in his report

Ms. Paxton asked Mr. Carr about the trash collection and he responded they will have trash enclosures at the back of the facility. He said the site will generate very little trash. She asked about the signage. Mr. Carr said they intend to use the existing signs which had variances granted.

Chairman Langer opened the hearing to public for questions only.

Bobbie Pryor, 2 Morey Lane, was sworn. She asked about the generators.

Mr. Carr said they will call for a generator if there is a power failure. It would be on a truck. She asked if they were in a flood plain. Mr. Carr said they are not.

William Truex, 404 Adamston Road, was previously sworn. He asked Mr. Carr the distance from schools and church. Mr. Carr said he had not measured that.

Nancy Merz, 604 Peters Place, was sworn. She asked how large a truck the site can handle.

Mr. Carr said the site was designed for box trucks.

Emily Limo, Sauers Drive, was sworn. She asked if there were any plans to slow traffic down on the three streets off Mantoloking Road. Mr. Carr said there were not.

Roxanne Flecha, 30 Poppy Court, was sworn. She asked Mr. Carr about traffic if the patients were greater than 77. Mr. Carr said there would be more traffic if the patient number increases.

Toni Parlow, 404 Earl Drive, was sworn. She asked what specifically was permitted to be grown in this area.

Ms. Paxton answered that our ordinance doesn't call out what type of agricultural product can be grown, but permitted uses include customary and conventional farming operations.

Mr. Miller said that is why the applicant is before the Board for variance relief.

Ms. Pryor was recognized to ask another question. She wanted clarification on how the industrial waste is handled.

Mr. Carr responded that he can only say the two trash containers are sufficient to handle the waste.

There was a discussion about the date of the next meeting. It was decided the application will be carried to the meeting of Monday, November 19, 2018 at 7 PM. No further notice is required, this is the notice.

ADJOURNMENT

A motion to adjourn the meeting was made and all were in favor.

The meeting was adjourned at 10:10 PM

Respectfully submitted by:
Pamela O'Neill