

**MINUTES**  
**RED BANK PLANNING BOARD**  
**May 1, 2023**

The Red Bank Planning Board held a Planning Board meeting on Monday May 1, 2023 at 7:00 pm, in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Dan Mancuso called the meeting to order at 7:10 pm. A roll call showed the following members in attendance: Dan Mancuso, Michael Ballard, Art Murphy, Juanita Lewis (arrived 7:35pm), Lou DiMento, Kristina Bonatakis, Barbara Boas and Fred Stone. Also present were Mike Leckstein, Esq., Ed Herrman, T&M Associates and Shawna Ebanks, P.P., AICP, Director of Community Development.

Dan Mancuso read the Open Public Meeting Statement Act. An adequate and electronic notice with the time, place and matter was posted in the two newspapers, with the Borough Clerk's office, the Borough website and posted outside the Red Bank Meeting room and on the front door of Borough Hall.

A motion was made by Art Murphy, seconded by Barbara Boas, to approve the Resolution for 2-40 Bridge Avenue. Ayes: Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas and Fred Stone. Abstain: Michael Ballard. Nays: none.

**Applications:**

**P00039: 9-11 West Street, Block 34, Lot 1**

The applicant, Canopy Crossroads, LLC., was seeking conditional use approval to permit a retail cannabis sales and delivery establishment at the premises. There are no proposed changes to the existing structure footprint.

The applicant was represented by Rick Brodsky, Esq.

Peter Wersinger III, Esq. represented Red Bank Corporate Plaza. He felt the notice was insufficient, as it did not reference a site plan approval was required. He stated, per our Ordinance, it is required. He feels the Board does not have jurisdiction to hear this application.

Rick Brodsky feels the notice is sufficient, as all variances were listed and the notice stated that they are utilizing the existing structure.

Mike Leckstein explained the purpose of a notice is to give the public notification of the proposal. The notice conveys basically, what is being requested.

Mr. Wersinger cited 490-57, which states that a site plan is required unless it is exempt.

Since this is a change in use from the existing use, he feels it is required.

Ed Herrman stated the application is defined as a minor site plan, all items have been submitted and the application has been deemed complete.

Rick Brodsky would like to proceed.

Dan Mancuso stated the Board has received landscaping, lighting and floor plans.

A set of these was provided to Mr. Wersinger, so he can review them.

Rick Brodsky explained the application.

Retail use of cannabis is a conditionally permitted use in the BR-1 Zone.

There are 6 conditions that must be met:

No sale of tobacco/alcohol on the premises

Separate entrance from any other use

Plants, products and paraphernalia may not be visible to the outside

Hours of operation can only be between 8am and 10pm

A detailed security plan must be submitted. This has been completed and reviewed by Chief Darren McConnell

Compliant signage

They satisfy all these conditions.

The variances required are mostly due to existing conditions. They need one for the location of the condenser and one for parking; there are 7 existing spaces and 9 are required.

The type of state license issued is a Micro License, which is a unique category, that includes specific requirements to satisfy state standards. These include:

Limits on the number of employees

Size of premises – can't exceed 2,500 square feet

Majority of ownership must be local. They must reside either in the municipality or an adjacent municipality of where the business is to be located.

Red Bank Liquors is currently located in one-half of the existing property and has been there many years.

Steve Raciti, Architect, was sworn and accepted as an expert witness.

Ed Herrman, PE, was sworn.

The following Exhibits were entered: A-1; Site Plan: A-2; Floor Plan: A-3; Lighting Plan: A-4; Large rendering and photos of the existing building. The plans were dated May 2022 and the photos dated May 2023.

The site is located on the corner of West Front Street and West Street. The total size of the 2 buildings is 2,197 square feet and requires 9 parking spaces, where 7 are provided. They are adding an ADA compliant space. There is also street parking available.

A variance is requested for the placement of the condenser, where 3 feet is proposed and 8 feet is required. They will change the exterior building color. There are existing projecting signs on sidewalk and a 3-foot projecting metal awning, which provides coverage for customers entering building.

There is a proposed trash enclosure for one or two 30- gallon trash receptacles.

The windows have been renovated and will have an obscure film to prevent visibility inside.

Customers will be checked in, upon entering the dispensary.

There will be 3 check-out areas.

There will be secure storage of product located in the rear of the premises.  
The store measures 1,100 square feet and there is only one entry and exit.  
A variance is requested for the 5 footcandles, which shine into the street.

Deliveries will be made prior to or after the operating hours of 11am-9:30pm.

They discussed Ed Herrman's review letter, which included repairs to the parking lot, this will be addressed; roof leaders to the sidewalk, they will address this by piping the leaders to the curb and the installation of pavers on the south and north side of the building. Art Murphy confirmed the pavers will be located just where the leaders are going, which is a 2-foot wide section.

The sidewalk improvements on West Front Street will be applied for with the county.

There is no objection to hairpin striping.

The liquor store trash is stored inside and brought out for pick-up.

This type of business has a lower trash/recycling requirement than other types of businesses.

The limited usage is more like residential than commercial.

The coloring of the trash enclosure will match building color.

The applicant is not aware of any drainage issues, other than the leader issues discussed previously.

As per the requirement from the Shade Tree Committee, the applicant will pay \$2,000 into the Shade Tree Fund for the 4 trees at \$500 required.

Art Murphy clarified the parking requirement is 2 spaces short for on-site parking, as street parking does not count towards the requirement.

The existing lighting on the soffit will remain.

All were in agreement the upgrades to the exterior would benefit the property.

Shawna Ebanks clarified there was no rooftop mechanical equipment proposed, unless the variance isn't granted for the condenser.

Mike Ballard clarified the parking spaces required is 9 for the whole building, not just Canopy Crossroads.

There could be 10 people inside at one time. There is a bench seat for 6 people and some standing room in the waiting area.

Mr. Raciti stated there can be 8-10 people in the customer retail area and 8-10 in the dispensary area plus employees, so there could be 28-30 people inside, including employees and customers.

Mike Ballard questioned if the 7 proposed spaces is unreasonable for that many people.

Rick Brodsky explained there will be a lot of online ordering.

Dan Mancuso stated they really only need 9 spaces and anything else is out of the jurisdiction of the Board.

Peter Wersinger, Esq. represented Red Bank Corporate Plaza located at 141 West Front Street. He confirmed there is only one building for both the liquor store and the proposed store.

Rick Brodsky stated that Mr. Raciti may have mis-spoke, as to the total number of people in the store at any given time; as there will be 5 employees, 1-2 managers and 2 security personnel, It was noted there was no drainage/stormwater analysis done. The applicant will apply to county for approval, as they are located on a county road also.

Damian Murtha, 39 West Street, was sworn. He explained parking can be challenging on this street. There are issued waiting in the que to get into the lot. Dan Mancuso explained this is a minor site plan. The parking lot and the way it is located is existing and there is not much the Board can do, as this is a conditional permitted use. Mike Leckstein stated theoretically the retail portion is what sets the requirement.

Robert Marchese, Esq., with a business located on West Street, represented A&M, LLC. Troy Containerline, Garden State Brokerage and others tenants located in 27 and 33 West Street. He clarified this property has two addresses. The Board believes the liquor store was originally located in both stores. He wanted to clarify if there was ever a change of use applied for. He also confirmed there is no access in the interior from one store to the other.

Andrew Zeitlin, 829 Orchard Road, Red Bank, was sworn. He represents and is a founding member of this business, with his wife Karen Cohen. They are 100% residents of Red Bank. This business is a women owned business and a Micro business. He explained his work history, which included being a chemist in a pharmaceutical company. He started Selgeen Corporation in Summit NJ, he later sold to Bristol Myers Squib.

He explained the criteria for a Micro License, which was started by the state, primarily to stimulate business for NJ. It is very difficult to be accepted. As a NJ resident and women owned business, they get priority review. Cannabis law allows for smaller establishments and 9 West conformed. Red Bank was a challenge, when trying to locate a premises, as they were in bidding wars with several properties they looked at.

He discussed the operations of the business. As previously noted, there will be 10 employees with 2 shifts of 5 each and 2 personnel on contract for security. This is all per state guidelines. There are 2 managers. The hours of operation will be 11am-9:30pm and is consistent with conditional use rules. Dan Mancuso confirmed there will be a total on site team of 5 employees, 2 security personnel on site and 1-2 management, so no more than 9 at any given time. Employees will be encouraged not to park in the lot; they will be reimbursed for parking in town lots. They will use COVA Software, which is a high tech, integrated inventory control and customer sales management program. This will aid in cuing with scheduling. The majority will be without lines, using delivering and pre-ordering, to reduce crowds. Mr. Zeitlin surveyed exiting parking conditions and an informal survey of the lot showed that 60% was underutilized. He never saw the lot above 50% full; and

two of the cars were from the liquor store employees. Also noted that if this application is approved, those employees cannot park in the lot.

The studies were done at 1pm and 5pm-7pm, which would be the peak times and the lot was never more than 50% full.

Weekends still had the same results. On street parking was not reviewed.

Product delivery to the site will be in the morning between 8-11am, initially 1 time weekly, may increase to 2 times, depending on supply quality and demand. It will be with an unmarked van; half size of beer delivery truck.

Shawna Ebanks asked if it was possible to coordinate with the liquor store delivery. He felt this was a great idea and he will strive to do that.

They will use Valley Bank for their banking and have regular delivery by an armored car, per the bank requirement.

The standard in the industry is 50% of the business is cash. The customers will be able to pay with cash, debit card or ICH transfer from their checking account to the business's checking account.

Mike Ballard confirmed delivery of the product is a Class 5 license. As a retailer, they will pilot a delivery program. This will be done over time, not now as there are only 10 employees. It is their desire to reduce traffic to the store. This will adapt as time goes on. No third party to be used. The delivery person will be an employee of Canopy Crossroads, as they will need a cannabis licence.

Mr. Zeitlin explained that a Micro business can-not have more than the 5 employees at one time in the store. After one year, the CRC will allow you to convert from a Micro Business. This will enable them to not have restrictions on the store size or number of employees.

They have first right of purchase of this building, once there 5-year lease is up. They can look into a Class 6 license for delivery.

Ed Herrman clarified there are 10 employees on the payroll, and security personnel are sub-contractors. There can also be additional volunteers and owners are not counted.

Trash - the product is pre-packaged. There is no odor and the product never put into the trash.

A seed to sale system, everything is tagged with a bar tag, that follows the product to sale or if it is returned back to manufacturer. It is always accounted for.

Trash – office type, paper, soda cans.

The Board took a break and resumed at 9:15pm. A roll call showed the same members in attendance.

Supply and demand will rule the marketplace. As more facilities open, lines will decrease. They are not an MSO – multi state operator. They will use pre-order to reduce the number of lines and wait times. They will use scheduling software and provide personal touch business strategy to their customers. For someone that wants to run in and out, they will not use this facility.

There will be 5 check out areas in the dispensing area and the waiting area will have 6-8 seats.

If this is exceeded, they would be directed outside and there will be no more than 10 people outside.

This is not the look they want, so they will encourage online ordering,  
Security personnel will verify age and maintain order along with the receptionist.  
Dan Mancuso clarified how to they can stop people from standing on public sidewalk.  
They will be offered a time to come back.  
No contract signed yet with a security company.  
No consumption proposed on site, as it is prohibited.

Mike Ballard – discussed Ordinance 490 56 (K) – the nuisances that affect the residential area, parking will affect the residents.

If they are not providing enough parking, this will be a nuisance.

Rick Brodsky stated there is off-site parking for employees; on street parking to be shared by all and the parking garage located in the vicinity. They are only 2 spaces shy for the retail aspect of the requirement.

They can advertise the availability of the parking garage to be listed on the website. They strive to find other parking and will enter into leases, if available.

Indoor/outdoor trash receptacles will be available.

Mike Ballard- cannot violate federal law; Canopy Crossroads will be within 1,000 feet of the Red Bank Charter School.

It was explained that this law was initially set up for illicit drugs; regulated cannabis is not illegal; it is regulated by the state. They don't want to clog up the courts with this issue. Not subject for drug free zone. Still illegal on federal level.

Mr. Zeitlin stated the federal government has instructed state Attorney Generals not to prosecute legal cannabis issues.

Drug free school zones are inapplicable to these applications. He will provide the Board with this information.

Jim Waltz was sworn. He owns a digital advertising business located at 125 Half Mile Road. He clarified the property is 980 feet from the school. The wording in the Ordinance states in section 56. (L) that you can't have dispensaries in an area where federal law will prohibit them. The ordinance specific.

Alan Hill, 64 McLaren Street, was sworn. He is currently here on a VISA and questioned how they would stop non-citizens from ordering online to prevent jeopardy of being deported.

Dan Mancuso clarified they can verify age, but not immigration status. There is no plan to manage that. Ignorance of the law no excuse. The person ordering should be responsible.

Mike Leckstein, there is a gray area. The state has determined it to be legal, but there are federal statutes.

Nicole Shore, Linden Place, was sworn. She wanted to clarify what are the parameters. Mike Leckstein the zoning laws permit this use in this area and the map shows where they are permitted. Sometimes, this will be on the edge of where a residential area ends and a business begins.

Mr. Murtha clarified that security is required because of the amount of cash and so, something negative can occur. This does directly impact residents.

Mike Leckstein explained the Board's job is to confirm the requirements have been met, the variance is for parking, it has already been determined this is a permitted conditional use.

Mr. Wersinger clarified who the current business owners are. There are 6 people listed, but no more than 2 will be on site at any given time. The business operates as an LLC.

They are not sure what % of people will be walk-in business.

Felicia Stoler, Holmdel, and business owner in Red Bank, was sworn. She confirmed there is no signage stating this is a cannabis business.

A motion was made by Art Murphy, seconded by Barbara Boas, to continue the application to May 15<sup>th</sup> with no further notice required. All were in favor. Nays: none.

Art Murphy made a motion to adjourn the meeting, seconded by Barbara Boas. The meeting adjourned at 10:00pm.

Respectfully submitted,  
Dina Anastasio