

## January 7, 2020 Zoning Board of Adjustment

Pursuant to the "Open Public Meeting Act," The Sentinel and the South Jersey Times were notified of this meeting. A public notice was posted in the Municipal Building. The meeting of the Township of Franklin Zoning Board of Adjustment was called to order by the acting Chairperson, E. Lynne Rafuse at 7:00PM

### REORGANIZATION

Acting Chairperson, E. Lynne Rafuse welcomes all in attendance and wishes everyone a Happy New Year and led everyone with the flag salute.

Mrs. Rafuse asks for nominations for the **Chairman** to the Zoning Board of Adjustment for the year 2020.

Upon a motion by Mr. Schiavone, seconded by Mr. DeCesari, to nominate **John Gravenor** for Zoning Board Chairman-2020. Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, all in favor to close the nominations. Motion passed-nominations closed.

RCV: Mr. Iglesias, yes; Mr. Gaetano, yes; Mr. Leo, yes; Mr. DeCesari, yes; Mr. Garofalo, yes; Mr. Ketcham, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

Mrs. Rafuse congratulates Chairman and turns over the meeting to Chairman Gravenor.

Mr. Gravenor thanks everyone for their support, welcomes back all members

Chairman Gravenor asks for nominations for **Solicitor** for 2020.

Upon a motion by Mr. Schiavone, seconded by Mr. Gaetano, all in favor, to elect **B. Michael Borelli** as Zoning Board **Solicitor 2020**. Upon a motion by Mr. DeCesari, seconded by Mr. Ketcham, all in favor, to close nominations. Nominations closed.

RCV: Mr. Iglesias, yes; Mr. Gaetano, yes; Mr. Leo, yes; Mr. DeCesari, yes; Mr. Garofalo, yes; Mr. Ketcham, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

Solicitor Borelli swears in reappointed members: Anthony Gaetano, Russell Leo (each for 4 years) and Jim Ketcham, Alternate 1 for 2 years. Motion passed. All are congratulated.

Chairman Gravenor asks for nominations for Zoning Board of Adjustment **Vice Chairman for 2020**.

Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, all in favor, to nominate **Fred Schiavone** as Vice Chairman 2020. Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, to close nominations. Nominations closed.

RCV: Mr. Iglesias, yes; Mr. Gaetano, yes; Mr. Leo, yes; Mr. DeCesari, yes; Mr. Garofalo, yes; Mr. Ketcham, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, to appoint **E. Lynne Rafuse** for **Secretary for 2020**. Upon a motion by Mr. Gaetano, seconded by Mr. Leo, to close nominations. Nominations closed. -RCV: Mr. Iglesias, yes; Mr. Gaetano, yes; Mr. Leo, yes; Mr. DeCesari, yes; Mr. Garofalo, yes; Mr. Ketcham, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed. Mrs. Rafuse thanks the Board Members.

Upon a motion by Mr. Schiavone, seconded by Mr. DeCesari, to appoint **Fralinger Engineering** for Zoning Board **Engineer and Planner-2020**. Upon a motion by Mr. Leo, seconded by Mr. Schiavone, to close nominations. Nominations closed. RCV: Mr. Iglesias, yes; Mr. Gaetano, yes; Mr. Leo, yes; Mr. DeCesari, yes; Mr. Garofalo, yes; Mr. Ketcham, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

Upon a motion by Mr. Leo, seconded by DeCesari, all in favor, to select **The Sentinel and the South Jersey Times** as the **Official Newspapers for 2020**. Nominations closed. Motion passed.

Upon a motion by Mr. Leo, seconded by Mr. DeCesari, all in favor, to select the **Newfield National Bank** as the **Official Depository** for 2020. Nominations closed. Motion passed

Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, to select the **First Tuesdays at 7:00 PM** for 2020 as the **Official Meeting Date and Times** with the exception of **Wednesday-6/3/2020** due to Primary Election day on **6/2/2020** and **11/4/2020** as the Election is **11/3/2020** and no new business after 11:00PM.

Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, all in favor, to institute the five-minute rule for public portions of application hearings. Motion passed.

Chairman Gravenor asked for member roll call vote.

RCV: Mr. Iglesias, Mr. Leo, Mr. Gaetano, Mr. DeCesari, Mr. Ketcham, Mr. Garofalo, Mr. Schiavone and Mr. Gravenor. Absent: Mr. Doyle. B. Michael Borelli, Solicitor and Steve Nardelli, Engineer are present. Mr. Gravenor seats Mr. Garofalo in the absence of Mr. Doyle.

### AGENDA

Approve Minutes 12/3/19

Approve Secretary's Report 12/31/19

**Approve Resolutions:** ZB19-08 NJHR3, LLC & ZB19-07 WaWa Franklinville (ZaWa)

**Applications:**

**ZB19-05 Visconti Brothers Prop., LLC** B5501 L31 D Use Variance and Preliminary/Final Site Plan to expand facility for proposed cannabis growing and cultivation on Lake Road

**ZB19-09 Austin Caple** B5701 L47 C Bulk Variance for undersized frontage to build a single-family dwelling with 2 car garage & a 30 x 50 pole-barn garage-oversized garage on Dutch Mill Road

**Correspondence**

**Adjourn**

**Minutes 12/3/19**

Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, all in favor, to approve minutes of 12/3/19 meeting as presented. Motion passed.

Mr. Gravenor states they will take the Agenda applications out of order.

**ZB19-09 Austin Caple** B5701 L47 C Bulk Variance for undersized frontage to build a single-family dwelling with 2 car garage & a 30 x 50 pole-barn garage-oversized garage on Dutch Mill Road

Mr. Borelli state all papers are in order.

**Austin Caple** of 697 Central Avenue is sworn in and states he has lived in Franklinville his entire life and he wishes to construct a new home with large garage for him and his new wife and newborn baby.

**Robert Wiltsee**, Esquire of Hoffman DiMuzio is the attorney of record for Austin Caple. Mr. Wiltsee states that Mr. Caple is a car guy and garage will have no commercial, no business and understands there will be no heavy traffic. Rancher is 2300-2400 sq. ft. with attached 2-car garage. This was subdivided by Eleanor Gallela in the 1980's with undersized frontage

Mr. Gravenor asks if there are other homes with flag lots in the area.

Mr. Caple states there was one. Mr. Wiltsee states there were some undersized lots on the tax map with 140', 130' and 100' frontages.

Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, all in favor, to open the public portion. Motion passed.

**Joseph Swec** of 601 Dutch Mill Road is sworn in and asks if building will be used commercially and asks about driveway width of 15'. Mr. Caple states it is for residential use only. Mr. Swec asks where the house will be. Attorney and applicant showed drawing for Mr. & Mrs. Swec.

**Calim Johnson** of 643 Dutch Mill Road (B5701 L40) is sworn in and asks if livestock will be contained in fence. Mr. Caple states he has no problem with putting up a fence.

**Bob Paladino** of 647 Dutch Mill Road is sworn in, states he works at night, asks will there be noise late. Mr. Caple states he will comply with noise ordinance.

**Ralph Travaglione** of 802 Marshall Mill Road is sworn in, is surprised they are before the Zoning. Mr. Borelli states as it does not meet the undersized lot of record and over-sized garage. Mr. Travaglione states Mr. Caple lived behind him and there were no issues with any noise.

Upon a motion by Mr. DeCesari, seconded by Mr. Leo, all in favor, to close the public portion. Motion passed.

Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, to approve ZB19-09 Austin Caple for bulk Variance for undersized frontage to build a single-family dwelling with 2 car garage and a 30' x 50' pole-barn oversized garage for personal use only on Dutch Mill Road.

**RCV:** Mr. Iglesias, yes; Mr. Leo, yes; Mr. Gaetano, yes; Mr. DeCesari, yes; Mr. Ketcham, yes; Mr. Garofalo, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

**ZB19-05 Visconti Brothers Prop., LLC** B5501 L31 Use Variance and Amended Preliminary/Final Site Plan to expand facility for proposed cannabis growing & cultivation on Lake Road

Mr. Borelli states all public notice papers are in order.

**Michael Gruccio**, Esquire of Tedesco & Gruccio of Vineland, NJ states he is the attorney representing Visconti Brothers and the site is 48.5 acres in the Light Manufacturing district which allows greenhouses & warehouses as permitted uses. The cultivation of flowers to the cultivation of cannabis. Applicant proposes permitted use as expansion of pre-existing

non-conforming use and there is an improvement of placement of driveway to service the single-family dwelling. To testify will be Chris Carbone, Ken VanderVrede of Hillview Medical licensing Review and Regulatory to comply with this. Mr. Gruccio states they came back here for an amendment from last time and states Steve Filippone, PE will describe application with his testimony.

**Steven Filippone**, PE, PP, CME, & Principal of Engineering Design Associates of Ocean View, NJ is sworn in.

**Michael Visconti** of 14 Brooklyn Terminal Market, NY is sworn in.

**Christopher Carbone**, Compliance Director of Hillville Medical is sworn in.

**Kenneth VandeVrede**, CEO of Hillview Medical Licensing Review & Regulatory, Lincoln Park, NJ is sworn in.

**Steve Filippone** shows plan on large screen for presentation and describes site with driveway to single-family dwelling, exterior of greenhouse entrance is asphalt and continues asphalt in parking.

Mr. Nardelli states it is a huge improvement with fencing and perimeter landscape, they still need a design waiver in front yard. Section of fence 8' high needs fence variance. Mr. Borelli asks about building coverage. Mr. Gruccio notes showed impervious cover 48% and variance was not needed building lot coverage. Mr. Nardelli states change from stone to asphalt. Mr. Filippone states noted on plan adequate room for storm-water, Environmental had a note approval on County Approval Septic and will submit to Health Department for well/septic. Mr. Filippone explains lighting, Office use as administration.

**Michael Visconti** gives overview of existing facility and what may change in cultivation of cannabis.

**Ken VanderVrede**, CEO of Hillview Medical Licensing explains licensing requirements with respect to medicinal marijuana facilities and regulatory requirements, including security criteria for such facilities.

**Chris Carbone**, Compliance Director gives his educational credentials and history for past 24 years, and currently serves as Chief Compliance officer and has spoken to Brian Zimmer, Chief of Police in length over the SOP of in-depth Security plan and Chief Zimmer will be involved & has no problem with hiring off-duty police. Mr. Carbone states that hiring of employees is very stringent process, with fingerprinting, background checks. Mr. Carbone explains the process of growing and cultivation of cannabis, and there will be no dispensary at this location.

Mr. Carbone states as a corporate share, they will pay a revenue of \$100,000.00 per acre paid to Township as built-out every year.

Mr. Gruccio states they would enter into agreement to agree on revenue share, this is medical, no state regulatory, they are revenue sharing.

Mr. Borelli states this Board cannot make finances a part of approval.

It was stated that getting through the next regulatory steps could take from 2-5 years. In the meantime, Visconti will continue with flower business. Mr. Borelli asked about language if approved, "cannabis cultivation of cannabis buds/oils and or bulk oil. Mr. Carbone states cultivation under Nj bud, trim & oil.

Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, all in favor, to open the public portion. Motion passed.

**Bill Cowen** of 1363 West Boulevard is sworn and states he lives across from site and this is a behemoth, it is a dangerous crop, kids get off school bus there, he has lived there 29 years. Mr. Cowan learned a lot on cannabis as he was to invest in cannabis 2 years ago, found red flags to cannabis farms, and is objecting to this application.

Upon a motion by Mr. Leo, seconded by Mr. DeCesari, all in favor, to close public portion. Motion passed.

Board discussion over process, employees, hours of operation, security lighting

Upon a motion by Mr. Leo, seconded by Mr. DeCesari to approve ZB19-05 Visconti Brothers for amended Preliminary/Final Site Plan on Lake Road for Cannabis growing and cultivation condition to enter agreement with Township Committee for financial revenue commitment.

**RCV:** Mr. Iglesias, yes, this is a unique operation and would hope that this is operated with no issues; Mr. Leo, yes; Mr. Gaetano, yes; Mr. DeCesari, yes; Mr. Ketcham, yes; Mr. Garofalo, yes; Mr. Schiavone, yes; Mr. Gravenor, yes. Motion passed.

**Resolution**

Upon a motion by Mr. DeCesari, seconded by Mr. Schiavone, all in favor, to approve Resolution # ZB19-08-NJHR3, LLC & ZB19-07 WaWa Franklinville ZaWa.

**Secretary's Report**

Upon a motion by Mr. DeCesari, seconded by Mr. Gaetano, to approve Secretary's Report in the amount of \$560.00 for the month of 12/31/2019

**RCV:** Mr. Iglesias, yes; Mr. Leo, yes; Mr. Gaetano, yes; Mr. DeCesari, yes; Mr. Ketcham, yes; Mr. Garofalo, yes; Schiavone, yes; Mr. Gravenor, yes. Motion passed.

**Correspondence No action**

**Adjourn**

Upon a motion by Mr. Gaetano, seconded by Mr. Leo, all in favor, to adjourn the meeting at 8:50 PM. Motion passed.

Respectfully submitted,  
E. Lynne Rafuse,  
Zoning Board Secretary  
Township of Franklin