

**Joint Land Use Board**  
**1200 Mountain Ave., Middlesex, NJ 08846**  
**Minutes**  
**February 8,2023**

**1. Call to Order**

Chairperson Sherr called the meeting to order at 7:06 pm.

**2. Open Public Meeting Act Statement**

Chairperson Sherr read the Open Public Meeting Act Statement.

**3. Roll Call**

The following members were present:

*CLASS IV MEMBERS:*

FRANK RYAN DEC/2024 [PRESENT]	MARK KRANZ DEC/2023 [PRESENT ]
JOSEPH DESCENZA DEC/2024[PRESENT]	JOE CARUSO DEC/2026 [PRESENT ]
ROBERT SHERR DEC/2026 [PRESENT]	PAUL WOSKA DEC/2023[PRESENT ]
TODD NICOLAY DEC/2023 [PRESENT] ALTERNATE 1	
SPENCER DURKIN DEC/2024 [ABSENT] ALTERNATE 2	

MAYOR JOHN MADDEN DEC/2023 [PRESENT] CLASS I MEMBER

STEPHEN GRECO DEC/2023 [PRESENT] CLASS II MEMBER

MICHAEL CONAHAN DEC/2023 [PRESENT] CLASS III MEMBER

**4. Minutes**

Mayor Madden made a motion to approve the January 25,2023 minutes, seconded by Member Greco. Vote: Member Descenza- abstain, Member Woska-yes, Member Ryan-yes, Chairperson Sherr-yes, Member Kranz-yes, Member Caruso-yes, Member Conahan-abstain, Mayor Madden-yes, Member Greco-yes, Member Nicolay-yes. Motion passed.

**5. New Business**

**JLUB 2022-010**

**Major Preliminary and Final Site Plan**

MB1 Industries LLC  
262 Lackland Dr East  
Block 293 Lot 8

Mr. Sullivan stated he is representing the applicant who is seeking approval for Class I cannabis cultivation.

Mr. Sullivan stated that the property is located at 260-262 Lackland Dr East, the property is located in the IND zone.

Mr. Sullivan stated that James Barr will testify on the operational procedures.

Mr. Sullivan stated that there are very few revisions to the outside, the applicant will be renovating the inside of the building.

Mr. Sullivan stated that there are preexisting conditions for the front yard, rear yard setbacks, lot coverage and also a parking variance as they are two spots short.

Mr. Robertson duly swore in Mr. Robert Wanthouse the applicant's Architect and Engineer. Mr. Wanthouse stated he did not design the mechanical equipment.

Mr. Wanthouse stated his education and credentials, the Board accepted as an expert witness.

Mr. Wanthouse stated the existing suite is approximately 4,500sq. ft.

Mr. Wanthouse stated that suite 1 has an existing tenant (book binder) that occupies 3,900 sq.ft. which will be subdivided- the current tenant would then have approximately 600 sq.ft. and the cannabis tenant would have the rest.

Mr. Wanthouse stated the construction code is 5B, the occupancy load for suite 1 is 2 and for suite 2 is 39.

Mr. Wanthouse stated that sprinkler coverage is not needed, there will be fire alarm control panel and fire extinguishers located in the building, there is an open bay design, there will be 2 ADA restrooms to service both suites 1 & 2.

Chairperson Sherr opened the application for questions.

Member Kranz asked a question about the building tenants.

The Board was informed that there will be 3 tenants.

Member Descenza stated his concerns about odors.

The Board was informed this site is for growing cannabis not smoking.

The Board was informed that the plants would be grown in an encapsulated room with filtering.

Mr. Ricci asked if there would be a point of access security with security cards.

Mr. Bucco asked about the one-hour firewall between tenants.

Mr. Wanthouse stated this firewall meets the code.

Mr. Costa asked a question about the F1 classification for building data.

Mr. Wanthouse explained the classification is based on what type of work in these spaces; he explained that book binder (paper products) is F1 use and also hemp products is a F1 use.

Mayor Madden asked a question about the demising wall between suite 1 and 2.

Mr. Wanthouse stated that the demising wall is a metal partition wall.

Member Ryan referred to the Planner's report about automobile repair use that obtained use variance expanding into the other tenant space that occupies the building.

Mr. Sullivan stated that the applicant has no control over the other tenants in the building.

Member Caruso asked if there would be a generator for security system.

Chairperson Sherr opened the meeting for questions to the Applicant's Architect, there being no public questions the Board continued with the application.

Mr. Robertson duly swore in Catherine Mueller of Page-Mueller Engineering, Warren, NJ.

Ms. Mueller stated her education and credentials. The Board accepted as an expert witness.

Ms. Mueller stated that she prepared the site plan dated November 10, 2022.

Ms. Mueller stated she would testify to the existing conditions, variances and waivers and is not testifying on the cannabis.

Ms. Mueller stated that the site is known as Block 293 Lot 8, located in the IND zone.

Ms. Mueller stated that the property is located on a corner lot, the front door faces Lackland Dr East; the front yard setback is a preexisting condition, the required is 15ft. or building height (whichever is greater), the existing is 15.54 ft.

Ms. Mueller stated the side yard setback (South Ave) 20ft. is required and 43.18ft. is existing.

Ms. Mueller stated these are preexisting conditions.

Ms. Mueller stated the left side of the building is 262 Lackland Dr. East, there is no existing parking striping, the applicant would stripe the spaces.

Ms. Mueller stated that there will be an ADA ramp and parking space by the front door.

Ms. Mueller reviewed the existing parking on the site.

Ms. Mueller stated that the ordinance requires 10 x 19 parking stalls, the applicant is proposing 9 x 18 including curb overhang, the back up isle is 23.4 ft.

Ms. Mueller stated the parking in the front of the building is to remain where it is, the asphalt around the building is not curbed, the utility pole is on the neighbor's property, the existing impervious coverage remains.

Ms. Mueller stated the 24 parking spaces are required; the applicant is proposing 21 + ADA parking space+ electric vehicle parking space.

Ms. Mueller stated there would be nine spots on South Ave Side of building and twelve spots on the opposite side of the building.

The Board asked if the applicant's lease affects which parking spots.

Member Kranz stated that car repair is taking place on the side with twelve parking spaces.

Ms. Mueller explained the Buffering Map dated November 10,2022; Block 293 Lots 9 & 10 have an autobody repair, Lots 1 & 3 have office/industrial, wholesale commercial, Lot 2 has outdoor storage trailers across the street Lots 5.02,5 and 5.03 are used by Conrail.

Ms. Mueller explained that the cannabis facility can't be withing 250ft of sensitive use ( for example church).

Ms. Mueller explained the Buffering Map (Distance to Nearest Facilities) showing the distance from the cannabis facility to a residential zone in easterly direction 580ft and the westerly direction is 595 ft.

The distance from the cannabis facility to the nearest daycare (westerly direction) is 1,330 ft( My Very Own School on Lincoln Blvd).

The distance from the cannabis facility to the nearest drug or alcohol rehabilitation center is 5,330ft away is south westerly direction. (Center for Network Therapy on Cedar Ave).

The distance from the cannabis facility to the nearest public park or public pool is 2,250ft.( Irish Town Park)

The distance from the cannabis facility to the nearest school is 1,970ft (Parker School on South Lincoln Ave)

The distance from the cannabis facility to the nearest church or place of worship is 1,600 ft (Kingdom Hall of Jehovah's Witnesses on William St).

The Board continued with the application and reviewed the professional reports.

The Board started the review of the Colliers Engineering and Design report dated February 2, 2023.

The Report addresses the overall property improvement items.

The applicant is not seeking overall improvements as they are tenants. They don't own the site will bring up the subject to the owner of the property.

Mayor Madden asked a drainage question.

Ms. Mueller stated drainage on the property flows from right to left curb cut.

The applicant will clean inlet by the loading dock.

The Board discussed having the applicant improve the site as they are tenant and do not own the property and having change of use that requires site plan approval.

Mr. Sullivan will speak to the owner of the property regarding this issue.

The Board stated that lighting/security should be addressed.

The Board continued the owner vs tenant responsibility.

The Board requested that the owner attend future meeting.

The Board discussed the impact of the autobody expanding the use on this site, may impact parking on the site which will impact this application.

Mr. Sullivan will reach out to the owner of the property.

The Board continued with the Colliers Engineering Report, not asking for a full traffic impact statement since no customer but wants deliveries and supplies trips in a document that can be reviewed.

The applicant will comply with state licensing procedures.

Chairperson Sherr opened the meeting to the public for questions on the testimony of Ms. Mueller.

Emil Vogt, 37 Davis Ave. Piscataway asked how many parking spaces for each tenant.

Ms. Mueller stated that sometimes owner assigns parking spaces as a solution.

Mr. Ricci suggested dedicated parking areas for tenants.

Mr. Vogt questioned why did D& J Autobody ask for more spaces on the easterly side of the building .

The Board continued with the application.

Mr. Robertson duly swore in Mr. James Barr, investor, .and co-founder of MB1Industries.

Mr. Barr stated his experience and prior healthcare management experience.

Mr. Barr explained that this would be a small site, with hands on micro style farming.

Mr. Barr explained that the current lease for the book binding company is up in September and then they would control the space on the one side of the building.

Mr. Barr explained the state licensing process.

Mr. Ricci asked a question regarding the Trenton address that was submitted in Exhibit A of Site Plan Support Materials.

Mr. Barr explained the relationship with the business address and the process of applying for state license and background checks.

Member Nicolay asked a question about the time frame for approvals.

Mr. Barr explained the 90 day timeframe.

Mr. Sullivan asked Mr. Barr to explain the ventilation mitigation process.

Mr. Barr explained that the walls are made of cinder blocks; there will be insulated panels installed to make the rooms an air tight space. Each room will be insulated. He explained the HVAC air is closed loop system and the air is recycled.

Mr. Barr explained the business is run similar to a pharmaceutical site.

Member Woska asked about the filtration system.

Mr. Barr explained that there will be wall mounted heap filters and in the dry and cure rooms there will be big tubes of charcoal.

Mr. Barr explained that the 17 filters will be changed every six months.

Mr. Barr explained that the rooms will be sealed and employees will be using the vestibule to enter and exit the building.

Member Descenza asked if there will be fertilizer at the site.

Mr. Barr explained that there will be 10gallon jugs with water.

Member Kranz asked will the cannabis be grown vertically like hydroponics.

Mr. Barr explained the drip-feeding system; cannabis plants will be on shelves.

Mayor Madden asked a question on ultraviolet system.

Member Nicolay asked if the plants are started from seeds or other plantings.

Mr. Barr explained that plants can start from seed or you can "clone" cuttings.

Member Caruso asked if the flower room would be under badge access.

Mr. Barr explained that there will be cameras on the interior and exterior of the site and needs to be approved by the state.

Member Caruso asked how many plants will be at the site.

Mr. Barr stated about thousand plants.

Member Caruso asked if there will be badge access into the rooms and how many strains of cannabis plants will there be.

Mr. Barr answered that there would be 20 to 25 strains of plants.

Member Caruso asked a question about wastewater from plants.

Mr. Barr stated that there would be a sand interceptor that takes particles into a sterile sponge.

Member Kranz asked if they would be using a drip system.

Mr. Barr stated that the irrigation is precise.

Member Caruso asked if there would be a generator at the site.

Mr. Barr stated there would be a natural gas generator.

Mr. Barr explained that after the plants are grown, there is a freeze drying process to pull the moisture out of the plant, then it gets vacuum sealed and this process takes hours instead of weeks to get to market.

Mr. Barr explained that an approved transportation facility would get the batches, they would use small sprinter vans and collect the totes. There would be two delivery personal and have cameras. He explained that retail stores have armed security.

Member Woska asked a question about the drying room.

Mr. Barr explained the drying room would have a dehumidifier and also the hepa/carbon filters. He explained that this is the flower part of the process (weeks 3-9) that this is where the cannabis produces the smell.

Chairperson Sherr asked if this process had been used at different facility.

Mr. Barr stated that he has designed the filtration.

Member Ryan asked if the Board could corroborate the filtration system to ensure that this system would be able to handle the filtration.

Chairperson Sherr agreed with Member Ryan that the filtration system would absolutely be affective.

Chairperson Sherr explained to the applicant that the Borough has issues with Spray-Tek over the years with odors and that Middlesex County Health Department deals with the odor complaints from the Borough.

Chairperson Sherr asked a question regarding security cameras.

Mr. Barr stated that there would be security trained individual at the site.

Chairperson Sherr stated that 13C of conditional uses for cannabis requires security.

Mr. Barr stated that the hours of operation would be from 9am to 5pm/ 7days a week with a skeleton crew on Saturdays and Sundays.

Mr. Barr explained that they would ship the finished product out once or twice a week.

Mr. Barr explained that the dumpster is lockable, there would be a pad lock and key, the waste management company would have key and any vegetation would have to mixed with soil/cat litter/cooking oil and ground up.

Member Conahan expressed his concerns about odors.

Mr. Barr explained that the odor come from the flower.



Mr. Sullivan summarized that the applicant meets all the conditional uses:

- Condition 1- the applicant must renew the license annually with the State
- Condition 2-distance between establishments- was reviewed through testimony
- Condition 3-distance between establishment and sensitive uses- was reviewed through testimony
- Condition 4- no advertising- no signage proposed- only contact information will be on the door.
- Condition 5-dispensary- hours of operation-reviewed through testimony
- Condition 6-cultivation of marijuana plants- no cultivation outside.
- Condition 7- limit signage- only contact information will be letter on door
- Condition 8- signage- no signage proposed
- Condition 9 – no visible products- products will not be visible reviewed through testimony
- Condition 10- odor mitigation-was reviewed through testimony.
- Condition 11-ventillation system with carbon filters- was reviewed through testimony
- Condition 12-carbon dioxide-no interior air escaping
- Condition 13- security and reporting- to be testified

Mr. Sullivan explained that the site improvements are to minimize investment as the tenant has a 5 year lease.

Mr. Barr explained that in the future would like to get GNP accreditation for air microbial prevention and run like a clean facility.

Member Woska stated still would like the parking lot striped.

Mr. Bucco stated that the emergency generator is considered a site improvement.

Mr. Robertson duly swore in Mario Trafficante, the applicant's Security Designer.

Mr. Trafficante stated his education and experience.

The Board accepted Mr. Trafficante as an expert witness.

Mr. Trafficante stated that the surveillance cameras would be fully monitored and cloud based, if the power was to go out and would be working with the generator there is a SD card. The police can login look at interior and exterior cameras.

Mr. Trafficante stated the number of cameras is determined by the review of the floor plan, the company will install cameras to avoid dead spots and add any additional cameras needed.

Mr. Trafficante stated that there will be security personal present.

Mr. Trafficante stated that the security measures meet or exceed industry standards.

Member Descenza asked if the security personnel would be armed.

Mr. Barr stated that they try to avoid having armed personnel that would be at retail location, there is always an option to add a security van at the site.

Mr. Ricci asked if the cameras can rotate and zoom in and asked if the cameras had night vision.

Mr. Trafficante explained the types of cameras that would be installed and how they cover angles of the rooms.

Member Caruso asked about preventing loss of inventory.

Mr. Barr stated that they have checks through inventory control and also having specific uniforms (for example no pockets).

Member Ryan stated that his concerns are about odor not inventory and have the Engineer double check ventilation controls.

Mr. Sullivan wanted the Planner to testify.

Mr. Ricci stated that he didn't know if the other business had permission to be at the site, parking would be affected how could they testify for the parking variance.

Mr. Sullivan stated that Ms. Mueller took it as a legal use.

Ms. Mueller stated that they calculated parking spaces by using the 5 bays and square footage on the autobody side. They know what is on their side and determined their side to need 8.7 parking spots and they have 9 parking spots.

Mr. Ricci stated that D & J received a use variance for the adjoining site and now is using this site. He doesn't think this use is permissible and could make the parking requirement go down.

After a Board discussion regarding autobody tenant and parking, it was decided that the Applicant's Planner would not testify.

Colliers Engineering would review the odor control/ventilation system.

Chairperson Sherr opened the meeting to the public for questions, there being none he closed the public portion of the meeting.

The applicant will return to the Board on March 8, 2023 at 7pm, no further notice is necessary and applicant agreed.

## 6. Correspondence

None

## 7. Board Comments


- A. Discussion of additional item to be added to checklist-Fire Dept (FDC) hook ups located including smoke alarms, sprinkler systems, etc.

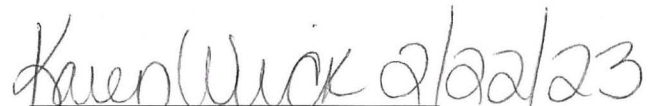
The Board agreed that the checklist should have FDC controls shown on the plans for non-residential applications.

Mr. Costa would invite Chief Geist or Captain Comiskey to attend the next meeting regarding security for the application heard tonight.

Mr. Costa stated he would like to get the owner's testimony about how the business is run.

There being no further business Member Descenza made a motion to adjourn the meeting at 10:37pm, seconded by Member Greco. Vote: All in favor. Meeting adjourned.

  
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Joe Descenza, Secretary

  
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Karen Wick, Board Clerk