

MINUTES
RED BANK PLANNING BOARD
April 15, 2024

The Red Bank Planning Board held a public meeting on April 15, 2024, at 7 PM in the Municipal Building, first floor, Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Daniel Mancuso called the meeting to order at 7:02 PM. A roll call showed the following members were in attendance:

Mayor Portman	Absent	Megan Massey	Present
Greg Fitzgerald	Absent	Louis DiMento	Present
Dan Mancuso	Present	Kristina Bonatakis	Present
Thomas Welsh	Absent	Barbara Boas	Absent
Frederick Stone	Present	Wilson Beebe	Present
Itzel Hernandez	Present	Brian Parnagain	Absent

Also present were Kevin Kennedy, Esq., Acting Board Attorney; Jacqueline Dirmann, P.E, P.P., Board Engineer; and Shawna Ebanks, P.P, AICP, Director of Community Development.

Chair Mancuso read the Open Public Meeting Statement Act. In addition, an adequate and electronic notice of time, place, and matter was posted in two newspapers, the Borough Clerk's Office, the Borough's website, outside the council chambers, and on the front door of Borough Hall.

P15188: 54 North Bridge Avenue: Block 2, Lot 18

The applicant, Two River Greens LLC, was represented by Edward Mainardi, Esq.

The following witnesses were sworn in for the presentation:

Alexandra De La Torre, Esq. – Puzzle Group

Matthew Bersch, P.E. - Dynamic Engineering

Victor C. Anosike, PE, PTOE- Bowman Consulting Group

Exhibits A-1 through A-16 were marked and presented.

A-1: Application Package

A-2: Floro Red Bank Plans for conditional use permit prepared by Michelle Davidson of Temeka Group, dated November 11, 2022, consisting of four (4) sheets.

A-3: Updated Survey Plan dated June 30, 2023.

A-4: Denial of Zoning Permit dated March 31, 2023.

A-5: Applicant Checklist dated August 15, 2023.

A-6: Narrative of intent.

A-7: Plans entitled Preliminary & Final Minor Site Plan for Two River Green LLC, prepared by James E. Henry, PE, P.P., of Dynamic Engineering, dated January 26, 2024, last revised March 26, 2024,

consisting of thirteen (13) sheets.

A-8: Response letter prepared by James E. Henry, PE, P.P., and Conor Daly of Dynamic Engineering, dated January 30, 2024.

A-9: Security Plan for Two River Greens, LLC, dated December 2023, consisting of one (1) sheet.

A-10: Response letter prepared by James E. Henry, PE. PP. and Matthew J. Bersch, PE, of Dynamic Engineering, dated April 4, 2024.

A-11: Trip and Parking Generation Letter, prepared by Victor C. Anosike, PE, PTOE, of Bowman Consulting Group, dated April 2, 2024.

A-12: Owner's letter of consent.

A-13: Environmental Commission Review dated February 24, 2024.

A-14: Shade Tree Commission Review dated February 18, 2024.

A-15: T&M associates review memorandum dated April 12, 2024.

A-16: Existing conditions exhibit, prepared by Dynamic Engineering, dated April 15, 2024.

Mr. Mainardi stated that the applicant proposed to convert an existing laundromat into a retail cannabis store. The store will occupy the entire building, and the footprint will not be changed.

Kevin Kennedy asked Shawna Ebanks if the applicant would need licensing from the Borough of Red Bank to get approved. Shawna Ebanks replied yes.

Alexandra De La Torre provided facts-based testimony regarding the application. She explained that the property contains a 2,224 square foot commercial structure. No delivery services were proposed for the business. The proposed hours of operations will be from 8 AM until 10 PM, Sunday through Saturday. Ms. De La Torre advised that the applicant received a resolution of support from the Borough Council on October 26, 2022. On October 27, 2022, they received a zoning verification letter from Zoning Officer Ms. Ebanks informing them that the property complied and met all sensitive use requirements, including a 1,000-foot buffer from school drug-free zones.

The applicant proposes utilizing all existing utilities and the existing HVAC system. No generators are proposed at this time. Regarding the proposed exterior improvements, the applicant intends to paint the facade, resurface the parking lot, and cover all windows with opaque film.

The applicant is proposing to sell pre-packaged sealed cannabis products. Alcohol and tobacco will not be sold. Additionally, on-site consumption will not be permitted.

Ms. De La Torre explained the Exhibit A-9: Security Plan Diagram. Each area on the floor plan was color-coded to depict the unauthorized and authorized areas by customers. Access control devices will be on every door, and when employees enter the restricted access area, the access control device will log and authenticate each member. The access devices will be key fobs, and the highly restricted access areas or the storage areas will require a double-factor authentication. I.D.s will be checked at the reception desk. Customers will not be allowed to touch any of the displayed products.

The applicant will install multiple carbon filters throughout the facility to mitigate odor. In addition to the carbon filters, employees will perform light cleaning daily during their opening and closing procedures.

The applicant will not generate significant amounts of trash due to the products' pre-packaging. All cannabis waste will be separated from all other waste.

The facility will be monitored 24 hours a day, seven days a week. A professionally installed and maintained alarm system will be monitored at a central location off-site. The alarm system will cover all entrances and exits. Video surveillance will cover the exterior of the premises. The recordings will be available to the Red Bank Police upon request.

The products would be delivered in regular-sized vans. The applicant anticipates having deliveries two to three times per week before the hours of operations.

The storage area will be reinforced with ASN.50-13 mesh, creating a penetration area behind the drywall.

The applicant will hire licensed security guards to monitor the premises during deliveries, suspicious behavior, theft, and diversion, as well as prevent loitering and on-site consumption.

Chairman Mancuso asked if all transactions would be cash. Ms. De La Torre responded that debit cards will also be accepted. He also asked if the guards would be armed. Ms. De La Torre replied that the current plan is not to have armed guards.

Chair Mancuso asked what kind of packaging would be used during the product delivery. Ms. De La Torre replied that it is minimal bulk packaging. The applicant will utilize vendors who have recycled programs to incentivize less waste.

The applicant will use a private hauler for non-cannabis trash.

Chair Mancuso asked if there is a designated space for curbside pickup. Ms. De La Torre replied that there was no designated space.

Chair Mancuso asked if there were any security concerns about all the open glass in the property. Ms. De La Torre replied that there were no concerns. There will be glass break detections on every window and surveillance cameras covering the property.

Wilson Beebe asked about the energy fallback system for the security system since the applicant is not proposing any generators. Ms. De La Torre explained that there would be a battery-operated backup system. Additional information about the backup system will be submitted to the Board.

Shawna Ebanks asked if the applicant would allow on-site consumption. Ms. De La Torre replied that there would not be any consumptions.

Jacqueline Dirmann asked how many employees will be on-site. Ms. De La Torre replied that they anticipate having four to six employees on an average day of operations.

Shawna Ebanks asked how many customers they anticipate having. Ms. De La Torre replied that they anticipate having about eight to ten customers per hour, seventy-four daily.

Kevin Kennedy asked if anything unique about this application differentiates it from others. Ms. De La Torre said that the location and the square footage are within the sweet spot of a standard cannabis facility.

Kevin Kennedy asked if appointments would be accepted or just walk-ins. Ms. De La Torre replied that the plan is to have a queueing system to incentivize online orders. Should queueing become an issue, the applicant will adjust.

Kevin Kennedy asked about the number of employees' shifts. Ms. De La Torre replied that there are two to three daily shifts.

Kevin Kennedy asked if there would be a pharmacist on site. Ms. De La Torre replied no, but there would be a receptionist, a security guard, a manager, and budtenders.

Kevin Kennedy asked if there is a limit on how much product a customer can purchase. Ms. De La Torre said there is a track-and-trace system that tracks purchases.

Kevin Kennedy asked if any cultivation, wholesaling, manufacturing, or growing is on-site. Ms. De La Torre replied no.

Chair Mancuso asked what the process is for online orders if there is a queue outside. Ms. De La Torre explained that when customers pick up an order, they will have their I.D.s checked and go directly to the POS to retrieve the order.

Chair Mancuso asked how many customers the facility could hold at a time. Ms. De La Torre said it depends on how long each person takes, possibly 10 to 12 people per hour.

Chair Mancuso asked if there would be a limit on the number of people they would let in. Ms. De La Torre said it would be based on the number of employees working. If there are 4 to 6 employees and a receptionist, she anticipates having 4 to 5 people simultaneously on the retail sales floor.

Chair Mancuso asked how many people they anticipate having in the reception area. Ms. De La Torre replied that it would be limited to two chairs; they currently plan on having two chairs in the reception area.

Ms. Ebanks asked what is a budtender. Ms. De La Torre said the employee brings the products and educates customers on whichever product.

Sylvia Constantino, 32 Rambling Brook, Holmdel, asked about the existing HVAC system conditions and location. Ms. De La Torre replied that she hadn't inspected them but believed that they were located on the side of the building and on the rooftop.

Ms. Constantino asked about the impact the proposed cannabis store will have on the residential homes and other existing businesses. Ms. De La Torre replied that the cannabis store would not affect them.

Ms. Constantino asked if the cannabis store is compatible with other existing establishments currently serving children and families in the area. Ms. De La Torre replied that it is compatible with people who utilize the product.

Ms. Constantino voiced concern about the surveillance system invading her business's privacy.

Ms. Constantino asked if any studies were done on the negative impact on the properties around cannabis establishments. Ms. De La Torre replied that a traffic study was done.

Ms. Constantino asked if the applicant was considering an odor mitigation plan besides the carbon filters. Ms. De La Torre explained that the packages are sealed and stored in a secured area, and the employees will maintain regular cleaning daily.

Ms. Constantino asked what would be done if an odor emanated from the store into her business. Ms. De La Torre said a community service representative would handle complaints.

Ms. Constantino asked if there was enough capacity for all the customers in inclement weather. Ms. De La Torre replied yes.

Ms. Constantino asked if this proposed business is in the drug-free zone, considering that an ice cream parlor serves children and families across from the proposed business. Ms. De La Torre replied that the zoning officer's letter stated it was in a drug-free zone.

Ms. Constantino asked if Ms. De La Torre conducted site visits. Ms. De La Torre replied that she has been to the site and has been working on this project since July 2022.

Christopher Fabricant, 35 Rector Place, asked if there would be any cannabis consumption on site. Mr. Mainardi replied that there would not be any consumption on site.

Dr. Fabricant expressed concern about traffic overflow. Ms. De La Torre said that if that happens, the security guard will help direct traffic.

Dr. Fabricant asked if the guards were credentialed to direct traffic. Ms. De La Torre said they are not, but they can manage traffic and customer flow.

Dr. Fabricant asked how the applicant determined if the site was appropriate for the use. Ms. De La Torre responded that cannabis businesses prefer standalone buildings, and this location exceeds all the buffer requirements.

Dr. Fabricant expressed concern about the proposed business being on a residential street with families and children. Mr. Mainardi said that this proposed business is permitted in the zone.

John Talarico, 47 Rector Place, asked if Ms. De La Torre had ever done a client profile analysis. Ms. De La Torre replied that she hadn't, but several studies indicate that crimes have decreased.

Mr. Talarico expressed concern about the real estate values of properties surrounding the proposed business.

Chair Mancuso asked if she was aware of any studies showing a change in property values after a cannabis retailer opens in a neighborhood. Ms. De La Torre replied that she was aware of studies showing values increasing. Chair Mancuso asked Ms. De La Torre to provide these studies to Ms. Ebanks.

Mr. Talarico asked if the applicant plans to reinforce the windows. Ms. De La Torre replied that it can be considered if the Board prefers.

Mr. Kennedy asked if the applicant had any experience with the cannabis industry. Ms. De La Torre replied that one of the owners owns and operates stores in Michigan.

Mr. Kennedy asked how long the supply delivery would take. Ms. De La Torre replied that it takes from 15 to 30 minutes.

Matthew Bersch provided professional engineer testimony about the site plan for the proposed use. He explained the existing building conditions and the proposed site improvements to provide proper circulation of the site. Mr. Bersch said that the applicant meets all the conditional use requirements. The cannabis dispensary will occupy the existing building with no modifications to the footprint. The applicant will improve the driveway's circulation, parking, lighting, landscaping, and sidewalks.

The applicant proposes to shrink the curb cut and provide concrete aprons and a sidewalk across each driveway. The Bridge Avenue driveway will be reduced from a curb cut of 49.5 to 31.9 feet. The Rector Place driveway will lessen the curb-cut from 66 to 35 feet. The interior drive aisle will be modified from a two-way to a one-way with a minimum width of 20.5 feet. Eleven parking stalls are being proposed, including one ADA parking stall.

There are six (6) angled 9x18 parking stalls located along the building frontage, one (1) that is 9x16 along the western side of the frontage, three (3) parallel stalls that are 9x22 along the northern property length, and one (1) 9x16 compact stall located on the east side of the building.

Chair Mancuso asked about the distance from the parallel spaces to the edge of the angled spaces. Mr. Bersch said that the distance is at least 20.5 feet.

Mr. Bersch explained that the applicant is requesting design waivers for the curved landscaped island for parking in the front yard as this is an existing condition. Another waiver is for the ADA stalls; the Borough requires 12 feet width; however, the applicant is proposing an 8-foot wide ADA stall with an 8-foot access aisle, a waiver for the 5-foot landscaped strip along the side and rear property lines. They are also requesting a waiver for the required one (1) tree; the applicant will pay a fee instead of providing that one tree.

Mr. Bersch is unaware of an existing accessible stall on site.

The applicant proposes a 6-foot sidewalk at the head of the angle parking stalls. The sidewalk will be flush with the building façade. Bollards will be placed at the end of each parking stall.

In addition to the above, the applicant proposes a 6-foot board-on-board fence trash enclosure along the west side of the building.

The applicant is proposing 51 evergreen and deciduous shrubs. Some additional improvements include two (2) 12-foot pole-mounted fixtures, both in the northwest and northeast corners of the site, and six (6) wall sconces: four (4) will be located on the northern façade, one (1) on the west and one (1) on the east. All the fixtures are LED to reduce spillage off-site.

Mr. Bersch advised that the driveways and parking lot will be well-lit. A design waiver is being requested for minor light spillage in excess of 0.5-foot candles along the Recor Place frontage.

The applicant agrees to pay the water vulnerability fee.

Chair Mancuso expressed concern about the number of vent pipes coming out of the back of the building. Mr. Bersch replied that some of the exterior utilities are related to the current use and wouldn't necessarily be needed under the proposed use; therefore, these pipes will be removed.

Mr. Beebe and Chair Mancuso voiced concerns about the existing HVAC system.

Ms. Constantino asked if Mr. Bersch had been to the site to look at the rooftop's existing conditions. Mr. Bersch advised that he should have evaluated the top of the building.

Susan Viscome, 25 Cedar Street, asked how many parking spaces are being proposed. Mr. Bersch replied that 11 parking spaces are being proposed.

Ms. Viscome voiced concern about the lack of parking spaces for employees and customers.

Dr. Fabricant asked if it was one-way or two-way traffic from Bridge Ave to Rector Place through the parking lot. Mr. Bersch replied that it was one-way traffic.

Dr. Fabricant asked for an explanation regarding the two (2) movements at both driveways. Mr. Bersch explained that at the Bridge Avenue driveway, people can make a left and a right turn in, and at the Rector Place driveway, people can turn right or left out.

Dr. Fabricant for an explanation of how the proposed layout is safe and efficient for driveway movements. Mr. Bersch replied that the driveway meets all the local ordinance requirements and has adequate sight visibility at the exiting driveway.

Victor Anosike provided professional testimony about the traffic and parking analysis on the subject property. He explained that he generated a traffic trip to estimate the site's traffic volume once it was operational.

Mr. Anosike reported that this site would generate about 64 trips, the same as 32 vehicles on a Saturday during peak hour and 141 trips daily, which he believes to be insignificant. This site will be adding 0.8% to the current traffic fluctuation.

Mr. Anosike counted over 120 acceptable gaps for cars to merge during peak hours.

Mr. Anosike explained that with 11 parking spaces, the proposed business could accommodate between 66 to 132 vehicles during the peak hour. However, this site is anticipated to generate about 32 cars during the peak hour. Each transaction should take about 5 to 10 minutes.

Mr. Mainardi asked Mr. Anosike to explain if a second cannabis dispensary would have a great traffic impact on the area. Mr. Anosike replied that traffic would be spread between the two (2) businesses, reducing the impact on the site.

Jacqueline Dirmann asked for the ITE's section about the 85th percentile rate. Dan Mancuso asked Mr. Anosike to provide a memo explaining his theory.

Ms. Dirmann asked what the 64 trip calculations were based on. Mr. Anosike replied that they were based on an ITE projection.

Mr. Beebe asked where the assumption that a transaction takes about 5 to 10 minutes comes from. Mr. Anosike replied that it comes from his own experience at other locations.

Victor Tudorov, 41 Rector Place, asked for clarification regarding Mr. Anosike's mention of car gaps. Mr. Anosike replied that this is about how traffic from this site will be able to merge.

Mr. Tudorov voiced concern about the heavy traffic in such a busy area.

Dr. Fabricant asked if vehicular congestion is a significant issue at Rector Place and the area known as the Northern Gateway. Mr. Anosike replied no because he had not studied it.

Dan Mancuso asked if his traffic study included the Rector, Route 35, and Bridge Ave triangle. Mr. Anosike replied that he didn't analyze the intersection.

Dr. Fabricant asked if the area is considered unsafe for pedestrians and bicyclists and if it is also a hotspot for crashes. Mr. Anosike replied that a safety study must be done to conclude this.

Dr. Fabricant asked when and where Mr. Anosike observed the traffic gaps. Mr. Anosike replied that he observed from the existing site's driveway on a Tuesday between 2 PM and 3 PM.

Dr. Fabricant voiced concern about sight lines.

Ms. Viscome asked if Mr. Anosike included the employees when he conducted the turnover analysis. He replied that the study was based on the number of parking spaces.

Mr. Talarico asked that the applicant consider making one way out to Bridge Avenue instead of Rector Place.

Chair Mancuso expressed concern about the proposed number of parking spaces. Mr. Mainardi said that the ordinance only requires eight spaces, and the applicant proposes eleven.

Chair Mancuso asked to see a traffic analysis.

Kevin Kennedy recapped all the requests made by the Board members and the public to be presented by the applicant at the next meeting.

Wilson Beebe motioned to carry the application to May 8, 2024, without further notice, and Itzel Hernandez seconded.

Ayes: All in favor

Nays: None

Abstained: None

Dan Mancuso motioned to adjourn the meeting, and Frederick Stone seconded.

Ayes: All in favor

Nays: None

Abstained: None

The meeting adjourned at 9:50 PM.

Respectfully submitted,

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Board Secretary