

May 8, 2024

This is the meeting of the Planning Board for the Borough of Victory Gardens held on May 8, 2024.

Chairman John Cegelka called the meeting to order and declared a quorum present.

Pledge of Allegiance to the Flag of Our Country.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: John Cegelka, Cathy Pogany, David Holeman, James Glass, Kevin Lewthwaite, Frank Litts.

ABSENT: Angela Ramos and Janine Adams.

Motion was made to approve the minutes of April 17, 2024. Motion made by David Holeman, seconded by James Glass and approved on roll call:

Cathy Pogany	Yes
David Holeman	Yes
James Glass	Yes
Kevin Lewthwaite	Yes
Frank Litts	Yes

RESOLUTIONS: None at this meeting.

CORRESPONDENCE: None at this meeting.

VOUCHERS:

We have two bills for this meeting. One is for Eric Bernstein for \$944.24 and the other one for Leticia Diaz for typing the minutes for April 17, 2024.

Motion to approve the vouchers for payment by James Glass, seconded by Frank Litts and approved on roll call:

John Cegelka	Yes
Cathy Pogany	Yes
David Holeman	Yes
James Glass	Yes
Kevin Lewthwaite	Yes
Frank Litts	Yes

OLD BUSINESS: NONE

NEW BUSINESS:

RETAIL CANNABIS APPLICATION FOR TANGERINE TREE, LLC FOR 301 SOUTH SALEM STREET, VICTORY GARDENS

Matthew Gilspn from the law offices of Murphy, Schiller & Wilkes, LLP. We are here tonight regarding a Class 5 retail cannabis for 301 South Salem Street in Victory Gardens, Block 3 Lot 7.

We were here on July 19, 2023. We then went to the Mayor and Council on 11/28/23 and received our Resolution of support. That is why we are back here tonight to this Board. This is for a minor site plan approval.

For the record I would like to have the 2 resolutions marked as A1 and A2. We are here tonight - most of what was given was unchanged. My client has informed me about an hour ago that Mr. Pane let her know that he had an emergency and would not be here tonight. It is our plan, if the Board would allow us, is to proceed with this application. We will submit Mr. Pane's plans and my client can answer whatever questions you may have. If we can not then we will have to come back again. My client will attest to the parking agreement she has with a neighbor and we will answer whatever questions the Board has and be able to supply evidence in hopes for the Board to vote tonight.

Kevin stated that he doesn't know if they can move forward if the person isn't here to testify. Leon Hall asked if everyone had a copy of his report. Leon said he submitted it to the Board and it should have went to the applicant also. The Board members said they did not get the letter from Leon. Leon said he wanted to go through a few things that are missing on the site plan.

TANGERINE TREE CONTINUED:

Leon said there is no grading plan. There are no There is no lighting plan, no architectural plan, no signage plan, no landscaping plan. This is one of the worst site plans I have seen in the 42 years I have been doing this. In my opinion there is no way that this Board moves on this site plan tonight. It is a half of site plan. In addition to that, on the plans was a note, that says floor plan sketch. So what they are submitting is a sketch. Final floor plan will be submitted under subsequent drawings. In my opinion, there is no way for this Board to move on this application until they have the final architectural plans. Both elevations and floor plans for the proposal.

Kevin said that he asked for a whole new complete package and we don't have that yet. I didn't have a site plan that I could distribute to anyone. I sat down to review it today and saw there was no site plan. On top of that you don't have your professional here and that won't help us any. We can't make any judgement on this tonight with all the information missing that Leon spoke about plus not having the complete packages with site plans for the Board members.

Leon said that normally a site plan of this scale you deem the application complete. It should be administratively complete. With all these things missing, we should not even begin to hear testimony on this application. If this Board agrees, you should instruct the applicant to have all these things in to us 10 days before the meeting.

Mr. Esposito said he made 12 copies of the original plans and dropped them off to the town hall. The packages are the same. The details are the same. It was 6 months since we got anything that is why I told you we needed a whole new package.

The applicant said at the end of the day we are using the space that is there. we are using only one space. The other space will still be occupied by the liquor store. It is a controlled site that is very limited. Kevin said there is ADA requirements, the parking requirements, issues with the side of the building. We really need your professional here. There are existing conditions that we have to deal with no matter who goes in that building.

There is one other issue that Leon said he wanted to touch on. This site does not have the required number of parking spaces needed. The application made reference to other parking spaces on another site in the area. That lease needs to come to this Board and it needs to be given to our Attorney for review. That needs to happen before any action can be taken on this application. Without this lease, in writing this application will fail because there is not enough parking spaces. We need to see the document and the terms of the document. Leon said the Board should take official action and deem the application incomplete. I would also think that the Board would want the items in my April 10, 2024 letter addressed.

Is a signed letter of intent good enough for the Board regarding the parking? Leon said there is reference to a lease. where are you with your lease negotiations? Leon said without the lease this application will fail. A letter of intent means nothing Leon said. It also needs to state that you will have access to so many parking spaces for a particular amount of years.

Chairman Cegelka asked what is exactly missing? Leon said it was in his letter dated April 10, 2024. Kevin said it was in their last package that was sent out. He will make copies and get them out again. Leon said for an example there is no lighting plan. Can you imagine what that will be like without any lighting?

David Holeman said that you may be able to get maybe 2 other parking spaces back there but that is it. Leon asked if the board wants his April 10th letter addressed? Kevin said yes, of course. We are holding off on this tonight.

We need a motion to move this application, without notice to the meeting of June 19, 2024, and a waiver of the 45 day order. Motion made by Dave Holeman, seconded by Cathy Pogany. Roll call:

John Cegelka	Yes
Cathy Pogany	Yes
David Holeman	Yes
James Glass	Yes
Kevin Lewthwaite	Yes
Frank Litts	Yes

TANGERINE TREE CONTINUED:

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