

**RIVERDALE PLANNING BOARD  
MINUTES  
JUNE 2, 2022**

**The Workshop meeting of the Riverdale Planning Board opened on June 2, 2022 at 7:30 p.m. Chairman Scott Trowse read the Sunshine Law.**

**ROLL CALL: Present: Mayor Paul Carelli  
Council President Vincent Pellegrini  
Sal Poli  
Michael Reilly  
Kevin Bulger (Alt. No. 1)  
James Talerico (Alt. No. 2)  
Vice-Chairman Warren Sheps  
Chairman Scott Trowse**

**Absent: Bobby Roberts (Excused absence)  
Christopher Scilingo (Excused absence)  
Rick Malanga**

**Also present is John Barbarula, Board Attorney and Tom Boorady, Board Engineer.**

Chairman Scott Trowse opened the meeting to the public for the workshop portion of the meeting. No one from the audience or board had anything for the workshop portion, thereupon Chairman Scott Trowse set forth the motion seconded by Sal Poli to close the workshop portion of the meeting.

**ALL IN FAVOR / Motion Carried**

**The Regular meeting of the Riverdale Planning Board is opening on June 2, 2022 at 7:31 p.m. Chairman Scott Trowse read the Sunshine Law.**

**Present: Mayor Paul Carelli  
Council President Vincent Pellegrini  
Sal Poli  
Michael Reilly  
Kevin Bulger (Alt. No. 1)  
James Talerico (Alt. No. 2)  
Vice-Chairman Warren Sheps  
Chairman Scott Trowse**

**Absent: Bobby Roberts (Excused Absence)  
Christopher Scilingo (Excused Absence)  
Rick Malanga**

**Also present is John Barbarula, Board Attorney and Tom Boorady, Board Engineer.**

**CORRESPONDENCE:**

Board Attorney John Barbarula stated at the last meeting the board received correspondence from the Mayor and Council indicating a referral to the planning

board to examine whether or not the quarry property is in need of redevelopment. The purpose of this is at this time the board to accept their assignment because it is the planning board who has to make that determination after it's fully presented. We need a motion to appoint the planner and someone to nominate the planner for the redevelopment. Mayor Carelli nominated Debbie Lawlor for the planner of the redevelopment from Colliers Engineering. Council President Vincent Pellegrini seconded the motion. Sal Poli asked if the funds were available to pay for the planner. John Barbarula stated with the referral from the Mayor and Council and they cannot make a referral unless the funds were available.

**ROLL CALL:**           **Ayes: Carelli, Pellegrini, Poli, Reilly, Bulger, Talerico, Sheps, Trouse**  
                                   **Nays: None**  
                                   **(8 Ayes – 0 Nays – Motion Carried)**

Mr. Barbarula stated the board secretary will notify Ms. Lawlor of the retention and schedule a date.

**APPROVAL OF MINUTES:                                   May 26, 2022**

Thereupon Vice-Chairman Warren Sheps set forth the motion seconded by Sal Poli to approve the minutes from the May 26, 2022 meeting as written and submitted.

**ROLL CALL:**           **Ayes: Sheps, Poli, Pellegrini, Reilly, Talerico, Trouse**  
                                   **Nays: None**  
                                   **(6 Ayes – 0 Nays – Motion Carried)**

**RESOLUTION:**

**1. Application No. BOA03032022 / Dean Ratajczak / 12 Munn Avenue / Block 23 Lot 28 / R7.5 Zone**

The Resolution was submitted to the board members prior to the meeting for review. Thereupon Chairman Scott Trouse set forth the motion seconded by Sal Poli to approve and adopt the Resolution as written and submitted.

**ROLL CALL:**           **Ayes: Trouse, Poli, Reilly, Talerico, Sheps**  
                                   **Nays: None**  
                                   **(5 Ayes – 0 Nays – Motion Carried)**

**PLANNING BOARD HEARING:**

**1. Application No. SP3292022 / Highgrade Labs of NJ, LLC / 10 Post Lane / Block 18 Lot 8.01 / Community Redevelopment District**

Steven Warner the attorney for the applicant came forward and reviewed the application for the board.

The notices were all in order therefore the board has jurisdiction to hear the application.

Mr. Warner stated he had four witnesses this evening. Doctor Julie Martellini came forward and was sworn in by the board attorney. Ms. Martellini will be the lab director for Highgrade Lab at 10 Post Lane. Dr. Martellini stated that this site will be a lab only for cannabis products for safety measures per State regulations and requirements. Dr. Martellini stated the cannabis testing branch of the industry is basically the safety branch, so we are there to perform the State mandated testing for all products that go to the public as well as some elective testing that some clients choose to add on to go above and beyond. So that is similar to what you may see in other regulatory labs on Federal level or even the State level, our methods and machinery are unparalleled to what you might see in an FDA lab, we do similar testing for the advertised amount of a specific drug. Dr. Martellini reviewed what the lab will be doing. Dr. Martellini also stated that the samples are all regulated by the State Portal from seed to sale, with our branch it goes from seed to destruction, because we are not selling anything after we test it, it is burned and destroyed after testing, and everything is controlled. Dr. Martellini reviewed the testing process and the processes of the oven that there is very little left once the samples are tested and chemically destroyed. Everything is handled by a professional scientist, we will have degreed scientists, myself, I have a PHD, masters and a bachelor's degrees. Ms. Martellini stated the State will require ISO accreditation under 17025, which means we have to adhere to international standards, so whether you test cannabis, drugs, baby formula, you have to adhere to those standards and make sure that you have consistent unbiased and follow all safety regulations. You also have to be OSHA trained and all those requirements as far as our gases, our solvents and any biological waste and we will also have our waste professionally removed, nothing goes beyond what is controlled inside the laboratory. Everyone that is in the laboratory handling official samples must be deemed competent for every test that they perform as well as any machine that they handle and that is based on State regulations. Ms. Martellini stated that test all samples with the same methods so whether it is for an adult use dispensary that it goes to or for medical patients that are compromised, they are all treated as seriously. Dr. Martellini stated the reason for the additional air conditioner is because it does get very hot in the lab, it is important for the lab to maintain its environmental conditions for the machinery to function properly as well as microbiological testing happening, you want the environment to be aware it's not going to grow anything outside and those machines are very powerful. Three of our gas machine are ovens, they just have different detectors on the back end, and they produce a lot of energy and a lot of heat, and so we require a lot of air conditioning.

Dr. Martellini stated her PHD, Masters and Bachelor's degrees were from the University of Central Florida. Her PHD was for biomedical sciences and she was published multiple times including the Journal of Immunology and she also received a certificate of basic science research from South Western Medical Facility. John Barbarula stated technically you produced an exhibit of the vial and we must mark that A1. The vial is an auto sampler vial that is used in the lab. This sample is filled with Italian seasoning. The vial is a 2 mill. Sal Poli asked about the destruction of the samples, so you chemically destroy them and then the oven and pressurized to ash. Mr. Poli asked if the destruction produces any type of odor. Dr. Martellini stated some of the samples are destroyed chemically and then some are

through a pressurized heating system. Sal Poli asked so does the destruction of the samples produce any type of odor. Dr. Martellini stated not that she has ever come across, the samples are in a pressurized vial, so if we are using plant matter for that particular analysis, we'll measure it in the vial and then the vial is actually crimped shut, because it has to undergo high pressure and that remains sealed and that is what goes into the waste. Dr. Martellini stated that no odors would be released, the samples will be in pressurized vials. The samples would be delivered in a soft plastic bag and be marked by the State portal. Dr. Martellini reviewed the samples and the destruction of the vials. Chairman Trowse stated all of the samples are destroyed at the end of your process, is that correct? Dr. Martellini stated that is correct. Dr. Martellini stated a good volume day would be if they had 100 vials a day to test. The state would provide the samples and a bar code is placed across the sample so no tampering can take place, it is bar coded and tracked.

Chairman Trowse stated he has been in evidence lockers and when there is marijuana in evidence lockers reeks, is that going to be an experience that goes outside the lab, that smell. Dr. Martellini stated no not in her experience, and I have been in laboratories where we have had vaults full of samples and there has never been an odor outside that vault, mainly because the client; it is really in their best interest to air tight seal those samples because if we are testing terpenes, they are very volatile, same with the State is going to mandate that those containers are air tight because if we are testing for solvents, which again are very volatile chemicals, if they are not air tight they can off-gas and what we test ends up not being the true sample going to the public. Chairman Trowse stated all of your samples are destroyed at the end of the testing processes. Dr. Martellini stated that is correct. Dr. Martellini stated they test anything that goes through the State portal. Michael Reilly asked if they had exhaust hoods in the lab. Dr. Martellini stated yes, and reviewed that type of equipment.

Attorney Barbarula asked if they had their State license yet. Dr. Martellini stated not yet, but they are submitting their application and the Zoning Board approval is part of that as well as other approvals. The board approval would be the site requirement.

Dr. Martellini stated all of the samples come from New Jersey. They are only allowed to test for New Jersey. Dr. Martellini stated there are other laboratories in the State, and reviewed the procedures that the lab must follow. Any and all New Jersey State requirements will be followed and adhered to by this lab stated Dr. Martellini.

Tom Boorady asked if they were only testing vials or are you also testing other forms of product like edible or..... Dr. Martellini stated plant material that would cover anything as far as bud, pre-roll material, plants and the concentrates would be anything that they would use in a vape device, etc., and the infused products would be the edibles as well as anything topical, bath and body etc. Dr. Martellini reviewed the testing for the different samples. Tom Boorady stated the reason for that question was disposal, so the samples are tested and then they are chemically altered in some way or put in the oven. Mr. Boorady asked how this waste will be disposed of and how will it not go down these sinks and septic system, because you have the river right across the street. Dr. Martellini stated this is standard lab

practice as well as adhering to ISO standards and local law, all liquid chemical waste is actually collected in carboys, so this is what is trained and deemed competent by anyone working in the laboratory. Potable liquids container and those are sealed with special filters as well to make sure everyone is safe and these containers are called carboys. Dr. Martellini stated nothing would be going into the septic system. The carboys will be kept inside the building until picked up. Dr. Martellini reviewed the waste pick up. Michael Reilly asked once the contents of the vials are disposed of what happens to the vials. Dr. Martellini stated the contents remain in the vials and the vials are disposed of, they are not opened, the entire vial is disposed of.

Chairman Trowse opened this portion of the hearing to the public for questions to Dr. Martellini only. Arlene Miskar, 12 Post Lane, came forward. Ms. Miskar stated this is important because I live next door. Ms. Miskar stated thank you for explaining everything so well, one of my questions is about smell. Ms. Miskar asked when you are burning this stuff, there is absolutely no smell at all? Dr. Martellini stated no because what is burning is inside the pressurized vial. Ms. Miskar asked about what the plan is for explosion or some sort of disaster. Dr. Martellini all of our quality insurance policies and all of our training and standards are maintained and I am sure that would not happen, because we have all of our preventative maintenance and pro-active actions in training to make sure everything is safe and in order. Ms. Miskar stated she appreciates that but accidents do happen. Ms. Miskar asked about the air conditioners, is this facility going to run 24/7. Dr. Martellini stated no, absolutely not. Dr. Martellini stated she was trained by FEMA and this lab is her responsibility not only for safety but also public health is very important to her.

Ms. Miskar asked if the air conditioning units outside are going to be running all the time because she doesn't want a lot of noise. Chairman Trowse stated that would be a question for the next witness.

Norris one else from the public came forward, thereupon Chairman Trowse set forth the motion seconded by seconded by Mayor Paul Carelli.

**ALL IN FAVOR / Motion Carried**

Michael Robert Enright came forward and is the business director for Highgrade Labs at 10 Post Lane. Mr. Enright reviewed his professional background and was accepted as a professional witness by the Chairman. Mr. Enright stated that 10 Post Lane is roughly 11,000 square feet, our tenant WJ Post, Mechanical Contractors maintains a small office and storage space. Their footprint is roughly 4,000 square feet and after speaking with Mr. Post, they do not keep or maintain their workshops on site. Their employees take them home directly and then to the job site. Only three employees have a specific place of duty and required to be at the building each day, however the owner has his office in the front area. Mr. Enright stated there would be no more than four employees occupying the building from WJ Post and any given time. Highgrade Labs will occupy the rear of the building that runs parallel to the road. Our secured laboratory will be on the first floor and the offices, conference rooms and employee lounge and kitchenette will be on the second floor. All of the offices and lab combined are roughly 7,000 square feet. Highgrade Labs will have a total of seven full time employees during the day between the hours of 8:30 am to 4:30 pm. Monday through Friday with no

operations on Saturday or Sunday. There will be no evening operations stated Mr. Enright. Mr. Enright stated lighting should not be a problem. Mr. Enright reviewed the employees and their functions at this site. Mr. Enright stated trash and trash disposal, Highgrade Labs will use three separate waste disposal companies for each of the waste the laboratory creates. Mr. Enright reviewed the companies for the waste disposal and the pickup. The waste is kept inside the building until pickup. Chairman Trowse asked what time of the day the trash will be picked up. The trash will be picked up during business hours Monday through Friday stated Mr. Enright. Mayor Carelli stated, Mr. Enright, did you testify that you haven't determined who would be picking up that waste yet. Mr. Enright stated yes I did, and the next witness will be testifying to that. Mr. Barbarula stated the entire system was approved almost two years ago, what these people are doing, they are going forward, in front of the curve, so who picks up the marijuana waste, they are not licensed yet. We don't know what the State is going to mandate for the pickup of waste and we will have to wait. Mr. Barbarula stated we are the Planning Board and all we are interested is how are they going to operate, what are they going to do, and one of the things that you could ask is can you make sure that the waste is picked up between 9 and 6. Mr. Enright reviewed the deliveries that will be made to the lab. The trucks used for deliveries will be basically box trucks. We expect tractor trailer deliveries very rarely, maybe once or twice a year. Mr. Enright stated he fully anticipates the lab to be a low impact option in the town and the immediate area surrounding the lab. On most business days there will only be the seven employees and the three to four WJ employees driving in and out of the parking lot during business hours. There will be no deliveries outside the normal business hours stated Mr. Enright. Tom Boorady asked about the tractor trailer deliveries once or twice per year, what does that mean, trailer deliveries. Mr. Enright stated the only reason for tractor trailer delivery would be for delivering machinery for the lab not normal deliveries. Large equipment used in the lab would be delivered on pallets. Mr. Enright stated we don't want to say it would never happen, however; if a piece of equipment has to be replaced it could happen if there is a new piece of equipment. The board members questioned the tractor trailer deliveries and a truck like that coming down Post Lane. Mr., Talerico asked couldn't you ask for a different type of truck to deliver the equipment. Mr. Warner stated that would be a condition.

Chairman Trowse opened this application to the public. Monica Litvany, 30 Garden Road, Pompton Lakes, came forward and stated she lives directly across the river from this site. Ms. Litvany stated her major concern is lighting and the security. Chairman Trowse stated the next witness is the architect and he will be better to answer that question about the lighting and security. Steve Litvany, 30 Garden Road, Pompton Lakes, came forward and asked about the EPA and the problems with the Highlands, pollutants and such. Chairman Trowse stated you can only ask questions in reference to the testimony he has given. At the end of the application you will be invited to come up and you can make statements at that point.

Mr. Barbarula stated there are no Highlands area in the Borough of Riverdale, it is a very restricted area and north and north of New Jersey, it is in Kinnelon, West Milford, and north and west is the Highlands. It has nothing to do with the water, or the rivers.

Arlene Miskar, 12 Post Lane came forward and asked Mr. Enright about the air conditioner noises. Mr. Enright reviewed the air conditioning system and stated it has a small condenser and will not run 24/7, only during working hours 8:30 am through 4:30 pm. Chairman Trowse stated he is familiar with that type of air conditioning system and ELG Douglass Split air conditioning is one of the quietest air conditioning units out there. The other air conditioners have been there and they are not changing. The two that are there now are not bothering you so they won't bother you at this point. The purpose of the third air conditioner is for the lab stated Mr. Barbarula.

No one else from the public came forward, thereupon Chairman Trowse set forth the motion to close the public portion, seconded by Sal Poli.

**ALL IN FAVOR / Motion Carried**

Oliver Young the architect for the project came forward and was sworn in by the board attorney. Mr. Young listed his qualifications and was accepted by the board as an expert witness. Mr. Young's business is located at gk+a Architect, 36 Ames Avenue, Rutherford, NJ.

Mr. Young stated that he is the architect for this project. Mr. Young reviewed the plans for the board. Chairman Trowse asked if the plans could be moved a bit so the audience could see them as well, and Mr. Young did that. Mr. Young stated this is a copy of the drawings for the project and they are exactly the same as the plans in the packet that was submitted to the board prior to the meeting. Mr. Barbarula stated because they haven't been changed they are not considered exhibits because they were submitted prior to the meeting and dated 5/16/2022. Mr. Young stated the site plan drawing, regarding the landscaping, parking, lighting, etc. Mr. Young reviewed the site plan for the board members. Mr. Young explained the tenants and Highgrades portions of the building. Mr. Young stated there were questions about the exhaust and we are confirming that these are exhausting heat only, no chemicals, no cannabis smells. Where the research area is, the southwest corner of the building, is where the new HVAC unit will be placed, because it is incredibly important that the temperature not go over a certain limit due to the nature of the equipment. Mr. Young addressed the trash situation as well. Mr. Young stated the current tenant keeps their containers outside on the porch right now, and now that we are providing an overhead door for them to use, they will be storing their containers, one 50 gallon for trash and one 50 gallon for recycling, inside the warehouse space and roll them out for trash pickup the night before. The same goes for Highgrade, Mr. Enright testified that there is presently a 2 yard dumpster being utilized right now, we have looked into that a little, and we know there cannot be any outside storage, so we are not going to utilize the 2 yard dumpster anymore, we are going to have one 50 gallon roll out trash container and two 50 gallon rollout recycling containers and we show those exact locations on the plans. Mr. Young pointed out the locations on the plans.

Mr. Young reviewed page two of the plans. Mr. Young pointed out the signage and that there will be no additional signage at this location. Mr. Young reviewed the second floor. Highgrade will be utilizing the first and second floors of the building. There will be seven employees total at Highgrade using the first and second floor space. There is approximately 7,000 square feet being utilized by Highgrade floor

area and approximately 4,000 square feet being utilized by WJ Post stated Mr. Young. There were photos submitted to the board depicting the awning and lighting and signage. No changes to the signage size at all. There is a no overhead garage door and the existing garage door will open into the Highgrade Labs.

Mayor Carelli stated I see you have painted the building and that was a big improvement, are there any plans to replace the roof on the overhang where WJ Post is. Mr. Young stated the shingled roof; not that I am aware of at this time. I am aware that the shingles are reaching the end of their..... Mayor Carelli stated they don't look very good, the rest of the building looks good painted but the roof looks very old.

Sal Poli stated he had a question in reference to the ventilation system. Mr. Poli stated he is 70' away from sitting over there instead of being over here, so my biggest aspect is you designed the hood system that is ventilating this. Mr. Young stated it is a pre-designed system, it's simply being installed and the exhaust duct is being run out the side of the building. Mr. Poli stated so the filtration that's in it will filter anything that escapes from any of these pressurized jars, my aspect is and I'm sure the neighbors are concerned of the smell of the testing. I have no other problem with this application stated Mr. Poli, it's a good business, I see them wanting to be good neighbors, my whole thing is that when I go sit out on my front porch and I'm sure they want the same thing, they don't want to smell it. That is the only thing I'm concerned about stated Mr. Poli, and it's in our ordinance that the odor cannot leave the property line. Mr. Young stated yes exactly, and to the best of our knowledge and understanding, the mechanical engineer that designed this and speaking with him there are no odors released through this system. If for some reason odors are released, there is an ordinance that we have to comply with and we would have to address it at that point in time, but we do not expect that to happen. Mr. Poli stated if this is approved I would like to see that stipulated that no odors will be released. Mr. Young stated the uses at this location are all approved uses as per the ordinance. The parking area, although we are not supposed to have parking in the front, it is an existing parking area. In terms of a minimal lot area, frontage, and growth, there are no issues here and conform. In regards to lot depth, stated Mr. Young, the existing lot is non-conforming by .12 on one side. Mr. Young reviewed the pre-existing non-conforming conditions. The front yard is also non-conforming, we are supposed to have a 25' setback however; the single story portion of the building rented by WJ Post only has 20.4' setback so it is an encroachment of 4.6', again an existing non-conforming situation. Mr. Young stated all the pre-existing non-conforming situations that he reviewed will remain as is and not change in anyway, he is simply going through the motions and describing what is going on at the site. There will be no changes to the footprint of the building or the parking area size stated Mr. Young. The rear yard is also non-conforming, they need 25' and we only have 23.5', so we are 1.5' encroachment. Building coverage you are allowed 30%, the existing building footprint takes up 36.5%, so 6.5% is allowed, however; in terms of impervious coverage, which is building plus parking, we are in compliance, we are allowed 70% and we are only at 58.5% stated Mr. Young. Mr. Young stated in regards to parking I am going to touch on the parking required by the town by ordinance, and at that point will ask the Mr. Seckler, the engineer will give you a more descriptive about the circulation and parking, deliveries, etc. Mr. Young stated he is only testifying what is required



and what is provided. Mr. Young stated there are nine spaces existing, we're proposing fourteen spaces, ordinance requires thirty-five spaces, but the research lab area, we are supposed to provide one space for each employee and for us is seven employees, add 10% to that and it gives us eight spaces. For the office area for Highgrade Labs, we are supposed to dedicate one parking space for every two hundred square feet of floor area, that would be another seven spaces, so that brings us to the twenty-five total parking spaces for Highgrade Labs, then if you look at the existing tenant WJ Post, their space is listed as an office area, 1915 square feet divided by 200 square feet, that gives you ten parking spaces required for WJ Post, so that is a total of 35 parking spaces. However; as other witnesses have testified, there will be seven total employees maximum at any one time for Highgrade Labs and three to four employees in total at any one time for WJ Post, stated Mr. Young. Mr. Young covered the points on Mr. Boorady's letter and reviewed the plans to correct the points listed. The septic system was reviewed by the Board of Health and an email was sent to Mr. Boorady from the Board of Health stating the existing septic system is in compliance and adequate for the new owners and tenants. The lighting will be covered by Mr. Seckler, the engineer when he is called to testify. The parking lot will be restriped stated Mr. Young, and a fully compliant ADA ramp and space will be provided as well. Vice-Chairman Sheps asked about the overhead doors, the one facing the building, the one on the left would be for the existing tenant WJ Post, it appears with the parking layout that ingress and egress might be impacted by the new parking layout, are they okay with this? Mr. Warner stated Mr. Seckler will be testifying to Mr. Boorady's comments with respect to the overhead doors and he will testify to the parking spaces and the door.

There were no other questions from the board, thereupon, Chairman Trowse opened this portion of the testimony to the public. No one from the public came forward, thereupon Chairman Scott Trowse set forth the motion seconded by Vice-Chairman Warren Sheps to close the public portion of the testimony.

#### **ALL IN FAVOR / Motion Carried**

Mr. Warner calls Matthew Seckler, the engineer/ traffic operations / Planner, for the project to the witness stand and is sworn in by the board attorney. Mr. Seckler stated his business address is Stonefield Engineering, 92 Park Avenue, Rutherford, NJ. Mr. Seckler listed his qualifications and background and was accepted as an expert witness by the board.

Mr. Seckler stated from a traffic standpoint, the site is located on Post Lane, a few properties south of Hamburg Turnpike, the property and building itself is similar to a T-shape building looking back at both aeriels. (photos were submitted with the package to the board members prior to the meeting) the east-west portion of the building and conditions are pre-existing. Mr. Seckler reviewed the conditions of the site as it is today. Mr. Seckler reviewed the parking and spoke briefly about the six junipers to be planted in the front of the building to screen the parking area portion that is not already screened. Mr. Seckler stated this is not a use that would be running 24 hours a day and the hours of operation for Highgrade is 8:30 am to 4:30 pm Monday through Friday with no hours of operation on Saturday or Sunday. The employees are out of the office by 4:30 pm. The tenants WJ Post are existing users, their patterns are typically within the same range of 8:30am to 4:30 pm. Due

to that fact you wouldn't expect to see headlights at that time of day, however; the plantings will take care of any problems of that kind. There will not be a lot of traffic going in and out of this parking lot, only the employees, stated Mr. Seckler. Mr. Seckler stated the landscape plans are going to remain the same except for the addition of the junipers and adding a couple of other plants, nothing is being removed from the landscaping plan as it stands today. Mr. Seckler stated the next sheet is SP3 the lighting plan. Mr. Seckler stated for the lighting plan they are looking to utilize essentially as relates to the main parking field, the existing locations of lights in these need revamping. Mr. Seckler stated they are proposing one new LED light located just outside of the ADA stall and that would be mounted on the building itself. This would basically be used to utilize the majority of the parking lot and we are proposing two new lights that will be under the covered porch located on the south side of the building, again for the visibility of the egress and ingress of the areas for the tenants of the building. In the rear of the site we are proposing three building out to emergency lights, these lights are not on, and basically it is for emergency egress only. So if anyone leaves the building in an emergency, these lights would go on. Mr. Seckler stated again during the hours that are not working in the late hours, I can't imagine even if there was an emergency it would be during the day and there would be no need for those emergency lights, however; it is a requirement in case there is an emergency situation and someone utilizes one of those egress areas, the light have to be provided. One of the benefits of the way the lighting is designed is that not only is there zero footcandles as it relates to the residential boundary, but the residents can't even see the lights. The two lights under the porch, the building and the porch blocks it and the other light, the light near the ADA space located by the door on the north side, that is completely screened obviously by the building itself, so there is not light spillage, but also you won't be able to see a light from the residential zone. There is some light spillage, a small amount of light spillage on the adjoining lot that is the Cooper lot, again we don't see any negative impact with the adjoining lots. If the board wishes we can tweak or do some shielding to kind of break that down if necessary. We are proposing 4,000 lights that can be LED if the board wishes. Mr. Seckler reviewed the improvements to the site, it's restriping the parking field, lighting, landscaping as it relates to the screening and the emergency lights in the rear. That is essentially the site plan improvements as it relates to this development.

Mr. Seckler stated he wanted to review the parking because it is going to lean on his traffic. Mr. Seckler stated as you heard, the operators that spoke in addition to the architect, your zoning ordinance for this type of use, is somewhat double counted on both the lab use aspect of it, which has an employee count that relates to the parking and then the offices upstairs where we would basically double it. Someone who works downstairs, that happens to have an office upstairs, they can only be one place at a time, but they are basically being counted double as it relates to your ordinance. You have heard extensive testimony in reference to the amount of employees as it relates here and the existing tenant in terms of parking. WJ Post parking, when I add the employee counts, stated Mr. Seckler, the maximum shift from both tenants, comes to eleven employees at a given time on this site. We are proposing fourteen spaces stated Mr. Seckler that allows for a visitor that comes to one of these buildings, however; appointments are normally scheduled for visitors. Mr. Seckler stated that he had one recommendation on the site plan that relates

to Mr. Boorady's comment related to the overhead doors. These overhead doors the uses here and the existing tenants, the way the overhead doors are designed in terms of reopening that overhead door. This overhead door is not meant to have cars drive into the building through the building, but the spaces that are close to the door, we have no issue in making that space specific to the other tenant (WJ Post) so if they do need to move the vehicle to open the overhead door, they would be able to move their own parked car for access to the overhead door. Again this is not the type of loading dock where it is a major warehouse where you need to back up a 350' trailer into the spot, it is for wheeling small equipment in and out of the building. That is basically the point of the overhead door. The other overhead door is to they can wheel the garbage in and out of the building for trash pickup. In essence there is no need for thirty-five spaces on this site. Mr. Seckler review the parking plan for the board. This is a safe site in reference to egress and ingress stated Mr. Secker.

Mr. Seckler stated for planning testimony, this is a use that is specifically permitted as part of ordinance 09-2021, that allowed for this specific use and cannabis testing within this zone, this is a use again that you heard some very specific testimony. In listening to the testimony I think stated Mr. Seckler, that it is a use that not only fits the zoning ordinance, it is appropriate for a site like this and I think that is what the governing body as well as this board when they reviewed the change of ordinance, saw and understood that this a use that fits on this site.

The variances that we are requesting stated Mr. Seckler are parking and the AC unit in the rear of the property. The parking even though it is new, this site already operated with a parking variance at nine spaces before the calculations, whether you used the whole building as offices or a mix of office and warehouse, this site already had a parking variance with no problems.

The AC units, there is a new AC unit in the rear yard setback, that said, there are already two other units in the rear of the building, I don't believe there is any detriment stated Mr. Seckler, and third the adjoining lot is a CRD zone property that we back up to and there really is no other place to put the AC unit but in the rear of the site, otherwise it would be too close to the residential property. Mr. Seckler reviewed the advantages of the AC unit being placed in the rear setback. This is a C1 variance. Mr. Seckler stated this AC unit is necessary for the lab use. The whole purpose of this it to make sure that there is a safe product that is being utilized by the residents of New Jersey, that is what this testing facility is all about, so we are clearly advancing purpose A which is the general health, safety, welfare because we do not want to have unregulated product on the street, we need to have it checked out in a proper facility, and so I believe that this use itself advances purpose A, it's obviously in need now as this industry is growing in New Jersey and I do believe that purpose I, not just this condenser, but the whole property itself, the paint job, the new lighting update, the landscaping as it relates to the visual environment and purpose K, overall, we are advancing by proposing a use that is appropriately located within this community. Again stated Mr. Seckler, it is zoned for this property, we are able to put it in an existing building itself, we are not tearing down trees, encroaching on wetlands, putting in a flood hazard area, we are taking an existing building, portions of which were for several years now and reutilizing it, upgrade the building and propose this use that is appropriate in the

zone. Mr. Seckler again reviewed the pre-existing non-conforming conditions at this site. Mr. Seckler stated there are no negative impacts on this site.

Tom Boorady stated the plans show the adjacent property to the south as CRD zone but that is in fact a R7.5 zone, correct? Mr. Seckler stated that is correct. Mr. Boorady asked if the plans could be revised to reflect the proper zone. Mr. Seckler stated yes that will be done. Mr. Boorady stated regarding the lighting, you show 0 lumens behind, how that could be possible. Mr. Seckler stated those lights are emergency lights so those are lights that are not always on so this is 0 footcandles is based on the emergency access of the lights only, and this is based on a non-emergency situation, but they are not to be activated unless there is an emergency. They will be motion activated stated Mr. Seckler. Mr. Seckler stated the front light could definitely be on a timer, so that it would be on until an hour after closing the office. Mr. Boorady stated that is answer to my next question, so the back lights don't need to be on for any code purposes to have egress, just on a motion kicks on and turns the light on. Mr. Seckler stated that is correct. Mr. Boorady asked that a note be added to the plans stating that a timer would be added to the light, and the back lights will be motion censored for emergency. Mr. Boorady stated at this time there are actually two wall packs on the building in the front, there is one on the left and one on the right, you show that you are replacing one on the right, what is going to happen to the wall pack on the left side of the building. Mr. Seckler stated you mean the south side of the building, again we were only proposing to replace one of them, if there is a need we could add a second. Mr. Boorady stated you could take it down if it is not needed. Mr. Seckler stated they would remove it. Mr. Boorady stated so you only need the one light in the front to light up the parking area. Mr. Seckler stated again this is not a use that would be extensive to the overnight hours, if the hours of operation were to be 8 or 9 at night, we would likely went ahead, but this point it is not necessary, because it is daytime use. Mr. Boorady stated he would stipulate that the second light be removed. Mr. Seckler stated it will be removed. Mr. Seckler stated both wall pack lights will be removed and the one on the right side will be replaced with a light fixture over the Highgrade Labs door. Mr. Boorady stated lastly lighting and stormwater are the two biggest complaints always, so I like to be sure that they are covered. Mr. Boorady stated he would like the lights to be shielded if required upon inspection because you are bleeding a little bit onto Cooper Oil and I realize they are commercial and probably don't mind, but in case they do mind for some reason I think you should just agree to shield the lighting if necessary. Mr. Seckler stated shielded or downward directed. The shielding was reviewed and discussed. Mr. Boorady stated all of the comments in his letter have been addressed.

Chairman Trowse asked about the six trees that you are planting to prevent headlamps to shine in the neighbor's house, I like the idea, but the one that is close to the sidewalk that is going to be a sight issue looking down the street. Mr. Seckler stated we could look at maybe putting a... the juniper bushes that we are proposing grow to about 30" tall, which would just be low enough to you could see over them, however; we could try placing them differently or planting a lower type of bush. There was a discussion in reference to the bushes and the wildlife that might trigger the motion sensor. Mayor Carelli stated the light in front, the testimony was that it would be on a timer, however, I would prefer that it would motion activated as well, because if overnight somebody walks up to the front

door, you would want the light to come on, so if it automatically goes off an hour after they leave, it will never light up. Mayor Carelli stated his second question is the covered porch area are there lights there now? Mr. Seckler stated yes and we are replacing those lights. Mayor Carelli stated alright so they shouldn't be completely off and if I'm reading this SP3 plan correctly, no one would come off based on your removing the two lights that are there and putting this new light over the door, no light will bleed off the property on east side. Mayor Carelli stated so this is the woman that had a concern about living across the river, there is no concern right now. Mr. Seckler stated right now the lights that are out there now are going to be removed so Mayor Carelli stated and that will resolve her problem. Mr. Warner stated he would add that to the benefits outweighing the detriments. Sal Poli asked about the parking variance, so that is why I'm asking, there are 35 spaces required and you are proposing fourteen spaces, so a few of them go to WJ Post, so if this business becomes a booming business, you are only going to need seven people at your maximum amount of capacity of testing, you are still only going to require seven people. Mr. Seckler stated it was in the event there would ever be such an expansion, there would never be more than seven employees at any given time, theoretically it might go to a shift, but that is not the present intention at all. The present intention is as testified by Dr. Martellini there would be seven employees. Chairman Trowse stated well if you're going to a shift then you're contradicting the testimony that your business hours are 8:30 am to 4:30 pm. Mr. Poli stated that is why he is asking about what if this business is going to boom, I mean it is just beginning and quite frankly it hasn't begun yet, my concern is there is not parking on Post Lane, so if you to end up hiring addition staff, such as secretarial or managerial, or anything, you would have accommodate your growing business, my question is, is seven people going to be enough at your maximum capacity of testing. There was a discussion in reference to a growing business and the end result was that it was testified to that there would be no more than seven employees at the lab at any given time. Mr. Barbarula stated one of the things the board could consider is that if the business of this nature were to go beyond what the testimony is, which is the one shift, that if they are going to go to a second shift, that they have to come back to the board to show how that second shift can be accommodated on the site so it doesn't adversely impact our citizens, which is a simple condition. Mr. Barbarula stated he thinks that way it is not restricting them from growing and at the same time they can show how they can handle parking when one shift ends and the other comes in and that there is no adverse effect to the citizens on Post Lane or across the river. Mr. Barbarula stated if they get that busy, considering the cost of labs, one of the things you have to understand is doing the lab is very expensive, getting the State approval is going to be very hard, there may only be ten labs in entire State, that means Riverdale lab could end up being two shifts or three shifts, and if that is the case, I don't think any board wants that type of expansion, but on the same time you want to make sure that they honor the site appropriately. Mr. Poli stated he was just looking to protect the neighbors. Mr. Warner stated this site is self-regulating, and it is my understanding that there would be no more employees than seven as per the testimony provided. Mr. Enright stated we can handle doing a hundred samples a day, if we are processing a hundred samples a day, business is more than booming. Mr. Enright stated so to put you at ease, could we yes, however, purchasing the building and renovations that we're doing it would be a terribly short sighted business decision to even want to occupy this building and this footprint, so the

seven employees that we have is going to get us quite a ways, so ultimately to answer your question, we are not going to need more people in the near or immediate future, and if we go significantly beyond that capacity, I'm almost thinking that we're looking at different building. Mr. Enright stated in this professional opinion there would be no more than seven employees at this location.

There was a discussion in reference to the questions about the growth of the company and if additional employees would be required. Mr. Enright stated Highgrade Labs was started in Oklahoma, and has an expansion lab in Arizona, Maryland and in New Jersey, so while yes, these things are unknown in the State of New Jersey, we certainly have experience in this use, and my testimony is based on that knowledge and experience with those labs.

Chairman Trowse opened Mr. Seckler's testimony to the public. Monica Latvany, 30 Garden Road, Pompton Lakes, NJ came forward. Ms. Latvany asked Mr. Seckler on one point of clarification, when you address light leakage, you addressed it to the north and the south side of Cooper Oil and what you consider the people, you did not address and light leakage to the side facing the river and I would like to you address that, I am on the other side of the river and very close and my windows are all facing this building. Mr. Seckler stated there is two things that will be taking place, one is the delay analysis which calculates the footcandles per light, basically to see how far the lights will shine. Along our property line along Post Lane we are at .1 footcandles or less so basically 0 footcandles at our property line, so as you go across Post Lane, the river there will be no light that is thrown from our property beyond our property. Ms. Livany stated that is the answer she wanted. Ms. Litvany stated because there is not night activity, would the lights be off at night or would they be on all night. Mr. Seckler stated we agreed that the lights will be off an hour after closing essentially 5:30 pm, except for security lighting or emergency lighting.

No one else from the public came forward, thereupon Chairman Scott Trowse set forth the motion seconded by Michael Reilly to close the public portion of the meeting.

**ALL IN FAVOR / Motion Carried**

Chairman Trowse set forth the motion to continue the meeting due to the late hour, seconded by Sal Poli.

**ALL IN FAVOR / Motion Carried**

Chairman Scott Trowse opened the meeting to the public for any statements or comments. No one from the public came forward, thereupon Chairman Trowse set forth the motion seconded by Sal Poli.

**ALL IN FAVOR / Motion Carried**

Mr. Warner made a brief summation of this application.

Mr. Barbarula stated Mr. Chairman you have before you a preliminary and final site plan for an approved use in the CRD zone as was indicated. Mr. Barbarula stated you have heard testimony of the doctor who is at the lab operations, the site operations manager, the architect, the engineer, traffic and planner. The

application requires a number of variances as contained in the report of our engineer of April 26, 2022, and that the inherent stipulations are by the applicant. The conditions if you are going to look favorably should adopt those variance aspects of the applicant, one is that garbage would not be picked up any different than the hours of 6am to 6pm Monday through Friday, that the applicant will request deliveries if at all possible be limited to straight trucks rather than tractor trailers. There will be no odors emanating from the building as the laboratory procedures prevent that as the doctor has testified. The applicant has requested that you wave the builders agreement, but the applicant would consent that a final inspection by the engineer and the construction official for the final CO and that all escrows for same be deposited with the Municipality. Additional conditions are that this is subject to State approval, if for any reason that this site does not receive approval for testing of cannabis, that the applicant will return to the board to explain what testing they will be doing there, if they are going to continue at this site as a laboratory, because all of your testimony, all of your submissions, all of the operating reviews that you have submitted are for cannabis testing site. Mr. Barbarula stated that addition that all testimony changes that were indicated by the architect, the engineer, that Tom Boorady had indicated wanted to be corrected and changed, that all of those corrections will be made to the plans within 30 days after approval should this board decide to grant approvals. They are asking for check list waivers as indicated on Tom's list, they are asking for front yard variance of 24' where 25' is required, rear yard variance of 22.24' where 25' is required, side yard variance of 9.1' where 10' is required, parking space requirement of fourteen where 35 is required. There is a condition that the two spaces in front of the overhead doors be restricted to the tenants so to avoid conflict when there is loading and unloading. The lighting is further conditioned in that the lighting is to be turned off one hour after closing except that security lights will remain and at the entrances that they motion detected lights, another condition would be that shielding of lights may be required by the board engineer if it is determined that by the operation there is a spillage that must be addressed. Finally stated Mr. Barbarula, this is up to you, the applicant stated he doesn't need it, but you might want to consider that if this business needs to expand the hours beyond what is testified to, that they be required to come to this board to demonstrate how the expanded hours would fit into their approved site. That last condition is solely up to you, you have heard testimony that this is a self-regulating site, you also heard testimony that if they get a hundred units a day, they would be thrilled, so whether or not you want the last condition, it is totally up to you. Mr. Warner stated the waivers were requested and denied. Mr. Barbarula stated he just stated that the waivers were requested but they were denied. Mr. Warner stated he respectfully requests that the condition is self-regulating business and that we can't go beyond the site with the parking.

Thereupon Council President Vincent Pellegrini set forth the motion to approve with the last condition not included, the expansion of hours, because Councilman Pellegrini stated he would rather deal with that when it happens. Chairman Trowse stated the only way to deal with that condition is if it is in place. If the board wishes that to be in place, list is as a condition and will be included in my motion stated Councilman Pellegrini. Michael Reilly seconded the motion.

**ROLL CALL: Ayes: Pellegrini, Reilly, Carelli, Poli, Bulger, Talerico,**

**Sheps, Trowse**  
**Nays: None**  
**(8 Ayes – 0 Nays – Motion Carried)**

**The Resolution will be read at the June 23<sup>rd</sup> meeting.**

**ADJOURNMENT:**

Thereupon Chairman Scott Trowse set forth the motion to adjourn, seconded by Sal Poli.

**ALL IN FAVOR / Motion Carried**  
**Meeting adjourned at: 10:24 pm**

Respectfully submitted by:

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Linda Roetman, Board Secretary