

# MINUTES

## City of Salem Planning Board

*Date | time* August 22, 2024 at 6:35pm | *Meeting called to order by* Ben Ford

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### In Attendance

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#### Members:

Ben Ford, Lou Perry, Jennifer Jones, William Corbin, Earl Gage

#### Staff:

Adam Telsey, Aileen Westcott, Candace Kanaplue, Joe DiNicola Jr (Conflict Attorney)

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### Approval of Minutes

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The minutes from both the May and July Meeting were approved.

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### Old Business

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- No old business to discuss

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### New Business

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Ben starts off by explaining that Adam has worked with the applicant previously, therefore we will be using Joe DiNicola Jr as a conflict attorney for this application.

Application #2024 – 05 New Frontier LLC

Frank Hoerst attorney for the land use portion of the application is sworn in and introduces all additional witnesses for swearing in.

- Dr. Robert Chapdelaine, David Avedissian, Dale Boston, Robert Seeberger, Kevin DiPatri, and Vic Sherman. List is attached to meeting minutes

All additional witnesses sworn in for the hearing.

Candace is also sworn in for Bach Associates as our professional planner for the City.

Frank request completeness from Candace on application.

Candace goes through the application and discusses waiver that have been granted.

- #46 No objection
- #49 Waiver for completeness only
- #51 Waiver for completeness only
- #53 No objection
- #54 Waiver for completeness only
- #55 No Objection
- #67 Waiver for completeness only
- #23 – no waiver requested, but no objection for waiver being granted.

Ben questioned what “waiver recommended for completeness only” means.

Candace explained that the applicant is required to submit these materials if approval is granted. All material must be submitted to Bach and the board and approved before any CO or Business license can be given. Bach then notifies the Planning Board with approval.

Ben questions the drive thru portion of the building and what will be done with it. The plans are contradictory.

Candace explain that the drive thru either needs to be removed or they need to come back to Planning Board for a use variance approval. Drive thru is not permitted in the ordinance. It is a technical review issue, not a completeness issue.

Joe advises Ben that application needs to be voted on as complete with conditions.

Earl makes a motion to deem application complete with conditions. Bill 2<sup>nd</sup>. All approved

Been deemed the application complete with conditions.

### Site Plan Review

Frank Hoerst explains the State requirements that are mandated for a cannabis dispensary and that they must meet those requirements while still meeting the requirements of the City. Describes the building and that nothing will be changing on the property or the floor plan. They would like to address the drive thru and why it should be allowed for security purposes. Site plans needs approval so the process of opening can get started, but also for the members to start thinking about the drive thru and how it can be beneficial to the business as a whole.

Dale from Boston Associates is called up review the site plan. The first area to address is a light study that needs to be done to see if the lighting needs to be increased or adjusted in any way for security purposes. Mentions that there will be temporary fencing installed around the drive thru until they can come back to the Planning Board for a waiver and be allowed to use the drive thru. The entrance/ exit on that side of the building as well as the back entrance will be closed initially until review is done and access is granted or denied. Additional landscaping in being added the existing landscaping around the building and grounds. Outline where the dumpster will be and discussing expanding handicap curbing to meet new standards and provide sufficient handicap parking. All cannabis being sold will be prepackaged and ready for sale. Nothing is being grown or cultivated on the property. Waste from the building will be disposed of in one of two ways, the cannabis will be soaked in a bleach solution and then put into a composting pile to be destroyed. All cannabis that is destroyed is closely documented and done and documented by management in the store. Regular trash will go to dumpsters stored behind aluminum fencing. Jennifer questioned which entrances would be closed. The only driveway closing is the one on the side of the drive thru.

Floor plan layout is being labeled an exhibit A1

Certain floor plans are confidential and cannot be shared due to security purposes.

All available site plans and floor plans are in the application packets.

David Avedissian is introduced by Frank Hoerst, has developed and expertise in licensing and compliance of selling cannabis. Will be answering specific questions from Bach dealing with operations and running of the store. Store will stay within the hours set forth in the City Ordinance for hours of operation, open Monday-Saturday and closed on Sunday. They plan to employ between 18-24 employees, security all times prior, during and after closing is required. Disposal of all products – processed into mulch with bleach before being disposed in a special secured container locked in the building. Products will be stored in rolling carts to be used while store is open and carts are stored in locked vault every night in DEA cages. All full licensing

through the State is already in place for New Frontier. If everything goes well tonight, property should take about 3 months to outfit and be ready for inspections from State and City. They are hoping for anywhere from 15-20 customers on average per hour, that has been the trend throughout the State. This is a variance free application. Property has about 10 more spaces than are required, long lines that stores were once experiencing has dissipated, online ordering has become more efficient way to shop and pick up purchase. The online ordering process will take place through an established website where customers have been prescreened and approved for online ordering and pick up this location. More of the customers seen at dispensaries now are not browsing around, more just grab and go of online orders. Holidays seem to be the only time that lines are seen at stores. Waste generation is not a concern with this location, staff meals and packaging would be the most going into the dumpsters out back. Reiterated that there will not be any consumption of the product anywhere on the premise in or outside the building, constantly being moderated and moved along by security on the premises. Commercial deliveries will be done on a weekly basis through the back door. Dr. Chapdelaine verifies and confirms everything David has attested to as a licensing expert. State and City Chief of Police must approve security plan for the building before any finalization can be done. New Frontier plans to use the same camera contractor the City uses and intends to give police access to all footage. Reiterated that there will not be any consumption on the property. Opened to questions from the Board.

Jennifer asked if it will be just adult use, or medical as well. Sales will be to both, medical just pays a lower sales tax rate. Both customers will be accommodated. And, ordinance does allow for deliveries that they are looking into providing this service. No questions from Candace at this time. She will go through her letter at the end and review answers that have been given.

Frank introduces Kevin Depatri, retired NJSP captain and Vic Sherman, retired NJSP. Kevin introduces himself and his security company being utilized in the county and state. Has worked with law enforcement in the county previously and closely with Salem PD. Discusses security they have started and maintained on Atlantic City Boardwalk Dispensary and how they have kept the location safe and free from loitering for both the customers, staff and any other people in proximity of the store. He doesn't believe loitering will be an issue with the use of the security officers on the premises and constant video surveillance of the property. All security officers have at least 20 years of police training as well as additional classes in conflict resolution and de-escalation, must have been a supervisor with professional development training. Another key to their company is continuity by having the same team continuously at a location so they get to know the local PD and build a good working relationship between the store security and the PD. Frank questions Kevin on the floor plan and security camera layout. None of the security plans can be finalized until the site plans are approved. Frank is continuing to speak and question Kevin about working with the PD and how it would look if there was an incident at the location. Security would document and give all documentation to PD as well as provide any type of testimony needed to prosecute. Frank questions any possible risks to customers leaving the location. Kevin talks about risks of customers leaving with product in a recognizable bag and people realizing it has marijuana in the bag. Their security plan would involve having security both inside and outside in the parking lot all day preventing customers from being harassed or possible assault/ theft. Kevin also mentioned that former bank and jewelry stores have the best set up to be reused by cannabis locations with preexisting vaults and security systems. Kevin brings up the drive thru as the safest option for shoppers if the municipality is worried about security. Frank introduces the drive thru information in anticipation of coming back to the Board later for a variance to be able to incorporate the drive thru into their business model and discusses how it will benefit the customers and safety of the location. Frank introduces Vic, talk more about the benefit of the drive thru for security. Vic speaks very highly of Kevin and the company and how well they work as a team to keep locations safe.

Dr. Chapdelaine asks to speak about the location and store. Addresses that the location will benefit the health of the community, especially those that have difficulty driving or getting to locations further away. He is a

doctor and is looking at everything from a health perspective and thinks the drive thru does have the best benefit for everyone, especially medical patients that are handicap and have difficulty walking or getting around. Keven again discusses the security benefits of the drive thru with minimizing vulnerability of the customers. Frank asks for questions from the board. Ben questions the allowance of the drive thru and whether the State allows drive thru. Frank and Candace both answer that the State does allow for the drive thru, but Salem's Ordinance does not. Frank explains that they have been in this process for years, and would like to get the bulk of the project approved and come back later to revisit the allowing of the drive thru. Clarification from Ben, presently the drive thru is not allowed, but New Frontier will be returning to asked that it be given a variance at a later date. Frank did leave it open in the application for any and all variances, proper publication was made and delivered to 200 foot list. It could be voted on tonight if the Board chose to.

Ben asks for questions from the Board.

Redirected to Candace for clarification of questions from letter.

Typo in letter saying closed on Saturdays not Sundays. No cultivation on the premises in any way. Displayed on shelves and counters, but stored in the safe. ID required by all entering the store, and customer screened. Currently no drive thru dispensing allowed and there aren't enough members to vote on a variance. Outside areas and premises will be well lit and a light study will be done. Public cannot enter the area where anything is stored. State requirements are reiterated. Separate storage area for cash, locking trash enclosure for disposal of product, no production or manufacturing on site, no ventilation system required, nothing will be visible on the exterior of property, plenty of parking and loading area was addressed. Candace asked about signage on the property. Signage that already on the property will be utilized and redesigned for their brand design within State and City requirements. Review comments on page 7 are discussed with demolition and construction on building. Site plan and landscape plan differ from grading plan in regards to the drive thru. All plans need to match, depending on approval of variance for the drive thru. Candace has no further questions of the applicants and is happy with all answers.

Lou questioned who owns the roadway behind the bank. Shopping center owns the roadway. They will do their part to keep it maintained and attractive.

Jennifer questions plans for hiring local residents as part of the staff. They do plan on having a local job fair and also working with Salem Community College for students and also Joe Hannagan for Veterans.

Ben asks for further questions or members of the public.

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### Open Public Discussion

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Approval: 1<sup>st</sup> by Lou Perry, 2<sup>nd</sup> by Earl Gage  
Passed by all

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### Close Public Discussion

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Approval: 1<sup>st</sup> by Earl Gage, 2<sup>nd</sup> by Bill Corbin  
Approved by all

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### Discussion

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- Joe asks for any further questions before we have a vote.

- Lou clarifies that the drive thru is not on the table for today.
- Joe clarifies that the site plan is conditional on either a variance being given for the drive thru at a later date, or the drive thru being removed completely.
- Ben asks Joe to clarify the vote for site plan approval.
- Joe explains how the vote will be done and what still needs to be done (lighting plan, security plan, and drive thru use variance or demolition).
- Jennifer makes the motion to approve, Bill seconds the motion. No discussion on the motion.
- All approve through roll call vote, Lou Perry abstained
- Motion approved
- Jennifer questions what comes next. Adoption of resolution and then everything else can move forward. Permits and building modifications

Discussion open to additional Planning Board questions

- Ben questions the timelines for applications. 10/15/30 days all mentioned.
- Clarification: the board members would like to receive all materials 10 days before the meeting, all applications are due at least 15 days before the meeting, and Bach Assoc. needs 30 days to review all sight plans and have a decision.
- Planning Board has 45 days to give a decision on an application.

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### Next Meeting

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TBD

Motion to adjourn was made at 7:42pm and passed unanimously.