BOROUGH OF ELMWOOD PARK
PLANNING BOARD

WEDNESDAY, OCTOBER 11, 2023
TAKEN PLACE: Municipal Building
Elmwood Park, New Jersey
Commencing at 7:30 PM

BEFORE: The Planning Board of
Elmwood Park

JEFFREY FREITAG, CHAIRMAN
MAYOR ROBERT COLLETTI, Member
COUNCILMAN FASOLO, Member
JOSEPH BENIAMINI, Member
ANTONIO CASTELBUONO, Member
ROMANO INTRIERI, Member
JOSEPH MULLIGAN, Absent
MYLES GARVEY, Member
CARL ROBERTS, Absent
ROBERT ELDER, Member
ANDREW TISELLANO, Member
ERIC SAIMSON, Member

ALSO PRESENT:
JOHN A. CONTE, JR., ESQ.,
ATTORNEY TO THE BOARD
JOHN CHAYKO, BOARD ENGINEER
SUBURBAN ENGINEERING
JOSPEH A. POMANTE, ENGINEER
BOSWELL ENGINEERING (TRAFFIC)
CARRIE PARETTI, SECRETARY

MINUTES PREPARED BY:
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OCTOBER 11, 2023

ELMWOOD PARK PLANNING BOARD
REGULAR MEETING

Chairman Freitag called the Regular meeting of the Elmwood Park Planning Board to order, according to the Open Public Meeting Act, OCTOBER 11, 2023 @7:30 PM

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FLAG SALUTE
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MINUTES: SEPTEMBER 13, 2023 - Motion offered by Member Elder, second by Member Garvey to approve the minutes as submitted.

Members voted Unanimously to accept the minutes as submitted.

P23-003
GARDEN CANNABIS DISPENSARY, LLC
265 Route 46
Block 1705, Lot 2
Site Plan approval for retail store
Licensed Class 5 Cannabis Retail

Applicant is amending their application to request both preliminary and final site plan approval this evening.

The application was filed with the New Jersey Cannabis Regulatory Commission in June of 2022 and is still pending. Applicant applied first with the Borough of Elmwood Park for their Cannabis license back in March of 2022 and received a Resolution of Support from the Borough Council April 21st of 2022.

Traffic is a concern for the board and the applicant heard their concerns from the work session meeting regarding traffic and number of cars coming in and out of the site and traffic flow issues.

Applicant came up with a solution, keeping the existing footprint of the building, however, reducing the gross floor area of the cannabis business by half.

The prior existing use was an auto mall with showroom and office. Applicant is keeping the bifurcated structure of the building in place. There will be a proposed covered car port to allow full circulation around the building and having one way traffic around the building for efficient circulation.

The parking requirement is one space for every 200 square feet of gross floor area. Gross floor area is 2,915. Fifteen parking spaces are required, where as 23 spaces are proposed, including one ADA space.

Deliveries will be two to five times a week with advance notification.

Seeking a conditional permitted use in the zone, applicant meets all of the conditional use requirements. The property is surrounded by commercial properties and is not located within 500 feet of a school.

Minor site improvements will make the site safer and maximize the number of parking spaces within the site's constraints.

Applicant is proposing to change the current two-way circulation around the building to be one-way circulation to and from Mola Boulevard.

The proposed access aisle around the building is 24 feet. The only areas less than 24 feet will be in the car port area adding a landscaped strip, curb, and bollards for protection of pedestrians. Refuse will be handled by a private hauler in the off hours with no interference with any normal vehicular traffic on site.

Deliveries to the site will be small vans, sprinter-type vans. Architectural drawings were submitted showing the applicant's intention to modify the existing auto mall and auto service into a highly functional and secured dispensary. Front of store for patrons and back of house elements for employees only with a secured entry system. Point of sales are set up with seven individual cash registers. Cannibals is not displayed in the front of store, only displays of accessory products.

Storage of cannabis product will be stored in a secured vault with a highly sensitive security system, modified two hour fire rated wall.

Regarding security of the building, there is no cookie cutter approach for these type of facilities due to the fact that every dispensary is Unigauge, and every community is unique with different needs and standards from their police departments. Not all employees have access to the vault. There is an assigned code for certain employees.

The standards of security are in compliance with the Cannabis Regulatory Commission such as video surveillance, covering every square inch of the interior, exterior, parking lot.

OCTOBER 11, 2023

EXCERPT OF TESTIMONY:

NATHAN MOSLEY: My name is Nathan Mosley. I am a licensed professional engineer in the State of New Jersey. Senior project manager and partner with a company called Shropshire Associates.

The September 29th, 2023 traffic engineering assessment report specifically is tailored to the proposed redevelopment of the existing Auto Mall facility for the proposed cannabis use you have here before you on this plan.

So the first thing that we do whenever we do a traffic study, regardless of the type of use, we want to go out and we want to do traffic counts at the existing area to get an idea of what the existing volumes are in the area. We also go out and do a field visit, and see what the existing area looks like from the ground level itself to see what the traffic patterns are like, to see how things operate as far as existing driveways, nearby intersections etc, etc.

So you guys probably know this area very well. Mola Boulevard intersects with Route 46 right here at the corner of the property. Route 46 is a state highway under the jurisdiction of the New Jersey Department of Transportation. The existing facility has one full movement driveway on Mola Boulevard. That driveway allows left turns in and out, as well as right turns in and out today. It is located opposite a jug-handle ramp, coming off of westbound Route 46. That jug-handle ramp allows for a left through, and right turn movements off of 46. And then we obviously have Mola Boulevard with a signalized intersection of Route 46 and Mola Boulevard.

So when I was out there, one of the things that I just wanted to tell you a little bit

about that I noticed, and one thing I want to talk a little bit more as I go through the presentation was that the existing signalized intersection of 46 and Mola, and I am going to get a little technical, but it is what we call a three-phase semi-actuated traffic signal. That means basically that the signal has a cycle length. It goes through every single approach. There's three primarily phases of the signal. The first one obviously is for Route 46 east and west. They get a green ball, that's your main movement. The DOT always prioritizes the state highway over every other street and roadway within the state. That's just how they operate.

Then there is two phases for Mola Boulevard, and it is what we call split phase. So basically northbound gets green, while the southbound sits there with the red, and then vice versa, the southbound gets green, while the northbound sits there on red.

And so one thing that is unique about this location, and why I want to bring that up is that, what that does, it creates a lot of gaps at the future driveway location here for this site. Because what happen is that, the southbound traffic all dumps out onto Route 46, or crosses the roadway, exits this area and clears this whole area out, and then what you see is the cycle goes around, and it just slowly starts to fill back up. It is not a steady stream of traffic going through this area where you just have cars going by and by the entire time. But, even during the peak hours, the busiest times that we counted, it still creates a lot of gaps in traffic in this location, because of how that signal operates. So I just want to put that on there, and I noticed that when I was out there observing existing conditions in this area that there were a lot of gaps created just by the way the traffic signal operates.

So again, we did traffic counts out there. Those counts were done on Tuesday, the 19th of September, and Saturday the 16th of September. What I found doing a lot of these cannabis dispensary uses throughout the state, is that the typical peak time for these uses that coincides with the peak of the roadway, this is normally in the afternoon time between four and six. And on Saturday between eleven and two. A lot of times the use itself will get a little bit busier during the day. On a Saturday, or like on a Friday. But as far as the peak combined time is when the roadway

and the use really happens during that afternoon commuter time, people are coming home, and on a Saturday in the middle of the day when people are just going out running errands and things like that.

THE CHAIRMAN: I have a question. How did you establish the peak time?

THE WITNESS: So we went out and did traffic counts in the afternoon, from four to seven --

THE CHAIRMAN: -- yes, I know that. How did you establish those times?

THE WITNESS: We've done parking studies and analysees of existing facilities to see what their peak times are, and their peak times typically are around five to six, or seven o'clock in the evening on a weekday. And then on Saturday, normally around three or four in the afternoon. But, we want to look at kind of the worst case scenario where you have the most traffic between the roadway and the site, and that really occurs more when the roadways are at their peak, because later in the day on a Friday, or a weekday, or evening time, or on a Saturday later in the day, it is actually less traffic than the commuter times, or in the middle of the day on a Saturday.

So really the busiest of the busiest time happens when the roadway is at is peak, because that is really your driving volumes for any use throughout the State, but specifically at this location here.

THE CHAIRMAN: Is there a manual or something like that, that you use? Standards or a manual, or is that just your opinion?

THE WITNESS: There are practices that give you guidance on how to do a traffic study, and you follow those guidance, and these methods are accepted throughout the State, by the DOT, by the County, by the Town, by the Borough throughout the State of New Jersey.

THE CHAIRMAN: Okay.

THE WITNESS: So, we have done these for many different sites, including sites that DOT impact, and DOT has accepted this methodology throughout the entire country.

So we counted to see when the peak times were. For this area, the peak time in the afternoon is from 4:30 to 5:30, and on Saturday from 12:00 PM to 1:00 PM.

So once we've establish the existing

condition, then the next thing we want to look at is the traffic that is going to be generated by this site. So we go to ITE, Institute of Transpiration Engineers, and ITE has done studies at various dispensary uses throughout the Country, they compiled those studies into trip generation rates that we can utilize and apply to the proposed development being shown here before you. We take those rates and we apply it based upon the square footage of this building. You've heard the testimony already there will be a 2,900 square foot building. So based upon the current ITE Trip Generation rate, it is anticipated that during that peak hour in the afternoon, and during that peak hour on a Saturday, the site will generate about one trip per minute during that peak hour.

So a trip is either someone entering or someone exiting the site. Typically, the trips are pretty evenly split between inbound and outbound movements, given the type of facility. A lot of people they come in, pick up product, and they exit within that peak hour timeframe.

So once they've establish the traffic that is generated you want to look and evaluate the operations of the driveway along Mola Boulevard, how that's going to work. So, in order to evaluate, what we do is called a level of service evaluation. This is a standard that's accepted throughout the country. Basically, what we do is, levels of service are given from a level of service A, meaning a driver or motorist experiences minimal delays at an intersection, whether it is a stop controlled intersection, or a traffic signal, down to a level of service F, which means you are sitting there for a minute or two trying to get out of the driveway, or trying to get through a traffic signal, whatever it may be. Those are kind of the range of levels in service.

So NJDOT considers anything that's level of a service A, B, C or D to be an acceptable level of service for a driveway along the State highway. So for this condition, being a stop controlled driveway, DOT considers anything that's a level of service A, B, C or D to be considered an acceptable level of service for an access point.

So, under the existing conditions, we counted the traffic coming in and out of the Auto Mall facility. That driveway on the outbound side, the left and right turn movements, operate level of service D during both the PM and the

Saturday peak hours.

When we go to the future, we take out the Auto Mall traffic, and we put in the new traffic from the dispensary facility, it will operate a level of service D during the PM peak hour, and level of service B during Saturday peak hours. So again, we have an acceptable level of service. But, beyond that, I looked at some other things related to the access to evaluate how it operates.

The one thing I looked at is the on site queuing. So obviously, anyone exiting out of this driveway is going to have to wait a little bit of time before they can make a left, or right hand turn. We want to make sure that vehicles are not going to be stacking up within the site, blocking the on site circulation, blocking the ability getting in and out of a parking space safely. And what our analysis showed is that the maximum queueing anticipated for the outbound side of the driveway is going to be one vehicle during the PM and the Saturday peak hour. So when you're at your busiest, you're going to be probably one vehicle queued there during the maximum conditions for both PM and Saturday.

Taking it one step further, knowing that this location was probably going to be questioned from what I heard from the project team, there were questions from the board and Borough already. So I did one additional thing. And what we did is what is called a gap study. So I don't know if you heard this before, but again, I am going to get a little technical, I apologize.

But, a gap study basically is you physically put somebody out there. We are doing traffic counts anyway, we put another person out there with a board, and they can electronically capture the gaps in traffic in both the northbound, the southbound direction along Mola Boulevard, as well as the combined gap in traffic that occur.

So basically that person sits there with a board and when there is a gap in traffic in one direction, they hold the button down. And when there is a gap in traffic in the other direction, they hold the button down. When vehicles are going by the driveway, they let go of the button, because there are no gaps occurring. So we actually physically measure the gaps in traffic that occur throughout the entire time that we were counting the cars. And then we take that data, and we look

at specifically those peak hours to see how many gaps in traffic occurred, and if there is enough gaps to accommodate the inbound and outbound vehicles safely.

So what we found for the PM peak hour, we had enough gaps to accommodate a total of 76 outbound vehicles from this driveway, and compare that to the anticipation of 28 outbound trips during the PM peak hour from the driveway for the use, based upon the ITE Trip generation rate.

For a Saturday, we have enough gaps in traffic to accommodate 152 total vehicles. We anticipate worst case scenario about 42 total vehicles exiting the site on a Saturday, during the peak hour.

So again, we have sufficient gaps to accommodate the outbound movements whether they are left turns or right turns, out of this driveway, during both the PM and Saturday peak hour, with a high, I would say a high threshold, beyond what we are anticipating. The same thing for the inbound movement. We looked at the inbound movement and in that case you only have to cross the southbound direction. You don't have to cross both directions in traffic. So there are actually more gaps for the inbound movement. There is 185 in the PM peak hour. There is enough gaps for 230 inbound vehicles on a Saturday. Again, more than sufficient to accommodate the number of trips anticipated for this site, and this use.

So based upon the level of service analysis, based upon my field visit and looking at the traffic count data, based upon the gap study that was done, it is my opinion that this driveway can operate safely and efficiently for this use as it exists today. The driveway as it exists today can operate safely and efficient for this use based upon its size, and the anticipated trip generation.

And that was kind of a conclusion of the traffic study that was submitted to the board for review.

In addition, I've looked over the on site circulation. You've heard the testimony, and I do believe the circulation can safely accommodate movements throughout the site. I believe it has sufficient parking to accommodate the needs for the use as well, based upon other sites that I've done, as well as based upon the ITE standards.

So, in general, I feel that this site is well designed for this proposed use from a

traffic perspective.

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The Board's Traffic Engineer will review the applicant's traffic analysis and will report back at the November 8th, 2023 Planning Board meeting for board review.

APPLICATION CARRIED TO NOVEMBER 8th, 2023 for continued review.

P23-004 OHM Theory, LLC, Urveh Patel
213 Route 46
Class 5 Retail Cannabis Site Plan
Conditional use approval.
(Application carried to November 1st and November 8, 2023 Planning board meeting for board review.

RESOLUTION:

P23-002 MURRAY PAVING & CONCRETE LLC
Murray Contracting
21 Wallace Street
Site Plan Approval, fence and C.C.O. Approval.
RESOLUTION APPROVED

RESOLUTION:
BUSINESS C.O. APPLICATIONS

B23-053
533 River Drive, LLC
533 River Drive
Block 607, Lot 11.02
Tenant RCS Supplies, Inc.

RESOLUTION APPROVED

RESOLUTION: JOHN KAPAS
435 River Drive
Block 603, Lot 44
Tenant: Keria Family Corporation
Motion offered and accepted to table application to November 1, 2023
APPLICATION WILL BE HEARD NOVEMBER 1, 2023 WORK SESSION

RESOLUTIONS:
BOROUGH OF ELMWOOD PARK AFFORDABLE HOUSING ORDINANCE 23-30
BOROUGH OF ELMWOOD PARK AFFORDABLE HOUSING ORDINANCE 23-31
RESOLUTIONS APPROVED BY UNANIMOUS VOTE

NO FURTHER BUSINESS BEFORE THE BOARD
THE PLANNING BOARD ADJOURNED BY UNANIMOUS VOTE