

MOTION TO APPROVE RESOLUTION NO. 1-1-24 MEMORIALIZING A DECISION MADE BY THE LAND USE BOARD TO DESIGNATE THE HERALD OF CAPE MAY COUNTY AS THE OFFICIAL LEGAL NEWSPAPER FOR THE PUBLICATION OF LAND USE BOARD NOTICES was:

OFFERED BY: Councilman Bennett

SECONDED BY: Chairperson Fisher

ROLL CALL: 9 Present Voted in Favor
0 Abstained 0 Opposed

Councilman Bennett and Councilwoman Prettyman recused themselves from the following application. They could not hear nor vote.

New Application: Seaweed Land, LLC

Application No. 1-1-24

Block 125 Lot 7

1585 DeHirsch Avenue

Variance Relief

Michael Malinsky, Attorney for the Applicant, introduced himself, and proceeded to state the proposed uses of the application which was to have a Class 1 Cannabis Cultivator Use, a Class 2 Cannabis Manufacturer Use, which he stated were permitted on the location proposed. He was also seeking to have a Class 5 Cannabis Retail Use on the proposed site, which was not a permitted use. He stated that the property was the old book binding factory, and all activity proposed would be conducted indoors. He stated that the code permitted a shopping center, which he stated was the intention of the Applicant. He proceeded to explain what he meant by that comment. He stated that there would be no "C" Variances which were the sign variances discussed at this hearing.

Attorney Malinsky stated that there would be improvements to the building. He introduced Andrew Schaeffer as the Applicant's Engineer, Chris Glancey as the Sole Member of the Seaweed Land LLC Company, Pam DeCosta of VETAE Pharms LLC, and Michael Allen of Strong Security LLC. He asked Chairperson Fisher if she wanted all witnesses sworn in at the same time. Chairperson Fisher requested they be sworn in one at a time.

First to be sworn in was Engineer Andrew Schaeffer. He gave a brief history of his work experience, and Solicitor Batastini requested that the Board accept him as an expert for the application, which the Board did. Mr. Schaeffer testified to the details of the activity to be done on the proposed site. He testified two of the existing entrances would be maintained and two would be eliminated. Mr. Malinsky question regarding the residential dwelling near the site. Mr. Schaeffer stated the distance of the dwelling. Mr. Schaeffer explained in what ways the airport would and would not be impacted. He explained that the building would have multiple users such as would be seen in a shopping center. Paving and parking on the site were discussed. Mr. Malinsky asked if the site would be appropriate for the proposed uses. Mr. Schaeffer affirmed that the building and the site would be appropriate for the proposed uses.

Mr. Schaeffer continued the meeting by describing the positive criteria of the proposed uses on the site. He explained how there would be very little truck traffic. He also stated that there would be enough light and open space. He continued by explaining the positive criteria regarding population growth. He stated that the building would not be torn down but instead the historical building would be renovated.

Mr. Malinsky continued the meeting by discussing the negative criteria. Mr. Schaeffer did not feel that there would be any negative criteria and proceeded to explain why he felt there would be no negative impact. He explained how there would be landscaping on the property. Mr. Malinsky asked if the Board Members had any questions. There were no questions. Solicitor Batastini stated that most of the items required on the site would be required from the state. He stated to the Board Members that at this time, only the uses were to be looked at for this particular site. Mr. Malinsky stated that there would be a site plan submitted in the near future to look at

all other site plan issues. Mr. Batastini stated that if there were no other questions, Mr. Conley's report could be reviewed.

Mr. Conley was sworn in by the Solicitor and testified that the Applicant had already touched upon those items contained in his report. He commented that the building itself was at least an acre in size, and that over the years, no one had done anything with the building. He testified what kind of retail sales could be done according to the Ordinance. He explained that there was "Cannabis" and "Medical Cannabis" and described a little of both so as to avoid any confusion. He briefly mentioned the "C" Variances. He also asked Mr. Malinsky where the Applicant stood regarding state approvals. Mr. Malinsky addressed his question.

Solicitor Batastini asked the Board Members if they had any questions for Mr. Conley. There were no questions. At this time, a motion was made and seconded to open the hearing up to the public.

MOTION TO OPEN UP THE HEARING TO THE PUBLIC PRESENT was:

OFFERED BY: Chairperson Fisher

SECONDED BY: Mr. Petro

ROLL CALL: 9 Present Voted in Favor

0 Abstained 0 Opposed

Solicitor Batastini announced that those within 200 ft. could come up for comment first.

Paul Gentilini of Gentilini Ford came up to speak. He asked about the hours and days of operation of the retail site. He also questioned if a site plan would be reviewed for this application. Mr. Malinsky addressed his questions. Mr. Batastini asked if there were any others within 200 ft that would like to comment on the application. There were no others. Mr. Batastini asked if there were any outside the 200 ft that would like to make a comment. There were none.

At this time, the hearing was closed to the public.

In preparation to vote, Mr. Batastini summarized the application and hearing for the Board Members. He marked the aerial exhibit as A1 and exhibit A2 as the plan seen by the Board Members at the hearing. He stated that the Board Members could add additional facts if they wanted to do so. After he concluded, the Board made a motion and a second to approve all three (3) uses.

MOTION TO APPROVE SEAWEED LAND LLC APPLICATION NO. 1-1-24 TO HAVE A CLASS 1 CANNABIS CULTIVATOR USE, A CLASS 2 CANNABIS MANUFACTURER USE, AND A CLASS 5 RETAILER USE ON THE JSM PROPERTY ON BLOCK 125 LOT 7 ALSO KNOWN AS 1585 DEHIRSCH AVENUE IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Chairperson Fisher

SECONDED BY: Mr. Petro

ROLL CALL: 7 Present Voted in Favor

0 Abstained 0 Opposed

Mr. Malinsky thanked the Board for their time. Mr. Batastini thanked the audience for coming out and taking an interest.

Annual Meeting Dates Year 2024

Review

Mr. Batastini requested that the February 14, 2024, meeting date be changed. A discussion was initiated regarding this matter. It was decided to have the meeting on Tuesday February 13, 2024. The June 19, 2024, deadline date for the submission of applications would remain the same. A motion was made and seconded to approve the Land Use Board Annual Meeting Dates with the new February meeting date.

MOTION TO APPROVE THE WOODBINE ANNUAL LAND USE BOARD MEETING DATES WITH THE FEBRUARY MEETING DATE CHANGED TO TUESDAY FEBRUARY 13, 2024, AND ALL OTHER MEETING DATES AND THE 6 PM TIME REMAINING THE SAME was:

OFFERED BY: Mr. Ciabatonì

SECONDED BY: Mr. Phillip

ROLL CALL: 9 Present Voted in Favor
0 Abstained 0 Opposed

APPROVAL OF THE MINUTES for November 8, 2023, as prepared and/or revised by the Secretary was:

OFFERED BY: Mr. Ciabatonì

SECONDED BY: Mr. Petro

ROLL CALL: 7 Voted in Favor
2 Abstained 0 Opposed

Councilwoman Prettyman and Mr. Ovens abstained.

APPROVAL OF THE MINUTES for December 13, 2023, as prepared and/or revised by the Secretary was:

OFFERED BY: Mr. Ciabatonì

SECONDED BY: Mr. Petro

ROLL CALL: 8 Voted in Favor
1 Abstained 0 Opposed

Mr. Ovens abstained.

ESCROW REPORT: The Secretary reported on the Pinelands and Regular Escrow accounts. Mr. Conley commented that the Nexamp escrow was not listed on the Escrow Report. He stated that it should be a separate escrow account.

UNFINISHED BUSINESS:

Mr. Conley reported that two applications came in for a completeness review, and that one of them (Seaweed Land LLC) was heard at this meeting. Mr. Robert Breunig's situation was also discussed.

Recommendations from the Engineer: Nothing further to report.

Recommendations from the Solicitor: Nothing to report.

The Secretary mentioned the three (3) Board Members that would be taking the mandatory class. She also requested that Board Members review their contact information for accuracy. A final discussion regarding the use of a county newspaper took place.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 7:07 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Chairperson Fisher

SECONDED BY: Mr. Phillip

ROLL CALL: All Present Voted in Favor

Respectfully submitted by:

Monserrate Gallardo

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Board Secretary