

**Franklin Township Zoning Board of Adjustment Minutes**  
**June 7, 2023**

The Chairman called the meeting to order and stated the following “Notice of this meeting has been given as required by the Open Public Meetings Act in the Annual Notice of Meetings. A copy was posted on the Township Website and notice of this meeting was sent to the Sentinel and a copy was posted at the Franklin Township Municipal Building”.

The board stood for the pledge of allegiance.

**Roll Call:** Members Present: John Gravenor – Chairman, Dana DeCesari - Member, Anthony Gaetano - Member, Mike Garofalo - Member, Jim Ketcham - Member, Andrew Hammel - Alt. Member, Justin Falisi – Alt. Member

**Professionals present:**

Michael Borelli, Attorney  
David Scheidegg, PE,PP,CME,CPWM,CFM

**Memorialization of Resolutions**

Resolution No. ZB2301 – HiBlend LLC – Block 7002 Lot 11 – 1654 Catawba Ave – Use Variance denied. Motioned by DeCesari Second Garofalo Roll Call: All in favor

**Minutes Approval**

4/4/23 – closed session minutes – Motioned by DeCesari Second by Gaetano Hammel Abstained Roll Call: All in favor

5/2/23 – Motioned by Ketcham Second by Garofalo Roll Call: All in favor

**Public Hearing Applications**

ZB2302 – Elev8d LLC – Block 7203 Lot 4 – 1835 Harding Highway – Use Variance

Richard Wells presented as the attorney on behalf of Elev8d LLC. They are only seeking a use variance at this time. He handed out Exhibit A-1 (drawings of the proposed building and site).

Mr. Jason Herlihy is the owner/applicant and was sworn in. He gave testimony on his cannabis business. He has a microbusiness license for cultivation only. The general business hours will be 9am – 5pm. Goal is for 5-6 employees but can not have any more than 10 employees. He explained the work that will be performed. All work will be completed by hand – no automation – no machinery- it is a very small operation. No warehousing of harvest. It will be shipped out immediately after short testing period. One harvest can be shipped by a sprinter van in one day. He may have back up generators in case of a power outage. The smell occurs during the last 2-3 weeks before harvest. He is proposing to use a filtration system using a MERV 14 rating. He will have a primary and secondary odor mitigation system. Primary will be a carbon ion system. Proposes to build a ‘sealed system’ using a construction process consisting a spray foam closed cell system. There is no pulling of air in or venting of air out. He also discussed security protocols, disposal of product, waste and what waste is expected (no hazardous wastes), and

interior and exterior lighting. He also stated he would not have any signage and a fence around the entire building with a locked gate.

The board then asked their questions to Mr. Herlihy and Mr. Wells.

David Scheidegg discussed and explained his review of the application. He also asked about sensitive uses and buffers.

**Motion to open public portion** – DeCesari 2<sup>nd</sup> Gaetano

Lori Coblentz – questioned applicant's background & education as a grower, spoke about residents, schools, & churches in the area.

Anthony D'Orio – spoke about property values and his opposition.

Debbi Morton – spoke about her opposition and the effect this facility will have on the residential area and that Newfield Borough has banned it.

Maxwell Hunt – spoke about his opposition to the marijuana business – concerned with wet lands -concerned about further development and impact on the stream- concerned about the odor – concerned about the promotion of marijuana use and believes it is a gateway drug.

Ralph Travaglione – stated the applicant has not shown proof of

Monica Contarino – opposes – worried about home values & security

Michael C – suggested the Meredith Farms property as a better option

Robert White – borders his property- opposes – wants to know how they will dispose of the rest of the plant that is not used

Dave Marshall – opposes – questioned water usage – spoke about crime

Dave Morton – opposes – spoke about property values – crime – drugs near children

Joe Davis – opposes – it is a residential area

Chris Sayers – opposes – no guarantee of odor mitigation – security

Terry Tabler – opposes – she is allergic to it

Raymond Contarino – opposes – security issues and risks

Helen Penn – opposes – worried about the smell as she lives next door

Debbie Morton – said she owns 2 properties so she can come up twice – spoke about hazards to environment & light pollution

Mary White – opposed – will the change the nature and environment of the neighborhood. Concerned about lighting, trees, and the stream

Larissa Contarino – opposes – her mother will not feel safe in her home

Bill Quigley – opposes – served on Newfield Planning Board – asked the board to be a good neighbor and do not approve.

Robert Price – opposes – smell can not be mitigated. Also suggested the Meredith Farm property would be a better location.

Barbara Halpern – welcomes this business – stated alcohol is the gateway drug

**Motion to close public portion** – D. Decesari 2<sup>nd</sup>- M. Garofalo

Attorney for the applicant, Richard Wells, addressed some of the public comments, questions and gave a summation. He also discussed the Positive and Negative criteria.

Motion to approve use variance – Gravenor 2<sup>nd</sup> DeCesari

Roll Call: Gravenor – Yes

Gaetano – No

Garofalo – No

DeCesari – Yes

Ketcham – No

Hammel – Yes

Falisi – Yes

The variance was denied as there were not enough votes in favor.

The board voted on the minutes and the memorialization of Resolution No. ZB2301

Mr. Borelli spoke about the closed session minutes from the April meeting. He asked for a motion to ratify the authorization to appeal. Motion by DeCesari Second by Garofalo Roll Call: All in Favor Abstained by Hammel

Mr. Borelli then asked to go into closed session. Motion by DeCesari Second by Gaetano Mr. Hammel abstained from going into closed session.

Return from closed session

### **Adjourn**

Motion by DeCesari Second by Gaetano

These minutes are a brief summary of the proceeding and should not be taken as verbatim testimony.

Respectfully submitted,

Desiree Hogbin