

**BOROUGH OF LAKEHURST  
LAND USE BOARD  
REGULAR MEETING  
MAY 29, 2024**

MEETING OPENED AT 6:00 P.M. BY CHAIRMAN DAVID BURTON.

ALL STOOD FOR PLEDGE OF ALLEGIANCE.

PUBLIC MEETINGS STATEMENT READ INTO RECORD BY BOARD SECRETARY CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO THE NEWSPAPER, AND POSTED, THAT THE REGULAR MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-NINTH DAY OF MAY 2024 AT THE HOUR OF 6:00 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

\* THE BOARD TOOK A BREAK AND RETURNED AT 6:30 P.M.

ROLL CALL:

\*Alternate Members

MAYOR ROBBINS: PRESENT  
COUNCILMAN OGLESBY: PRESENT  
CHAIRMAN BURTON: PRESENT  
KORI BRENNAN: PRESENT  
JEFF EMMONS: ABSENT  
ANDREW HODGES: PRESENT

ERIC ROBBINS: ABSENT  
ROBERT ROBINSON: PRESENT  
MARANDA SALAS: PRESENT  
\*#1 HAILEY DRIES: PRESENT  
\*#2 CRYSTAL PARKER: ABSENT

APPROVAL OF MINUTES:

Motion by: Kori Brennan

Seconded by: Councilman Oglesby

To approve minutes of April 22, 2024 Regular meeting. Roll call vote held.

Board Member	Ayes	Nays	Abstain	Absent
Mayor Robbins	x			
Councilman Oglesby	x			
Mr. Burton			x	
Ms. Brennan	x			
Mr. Emmon				x
Mr. Hodges	x			
Mr. Robbins				x
Mr. Robinson	x			
Mrs. Salas	x			
Ms. Dries	x			

Mrs. Parker				x
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OLD BUSINESS:

APPLICATION OF FLY BY NIGHT LLC FOR MINOR SITE PLAN FOR CANNABIS RETAIL BUSINESS FOR THE PROPERTY DESIGNATED AS BLOCK 68 LOT 1:  
(Carried over from the April 22, 2024 meeting)

Kevin Asadi, attorney for the applicant, stated the application is for a Minor Site Plan to allow a cannabis retail establishment to operate at the location of 29 Union Avenue.

Board Attorney Gregory Hock asked if notices were reviewed and deemed proper for said jurisdiction.

Mr. Asadi answered in the affirmative.

Anthony Lotti, operational manager for Stokes Industries, was sworn to give testimony at 6:40 p.m. by Board Attorney Gregory Hock.

Mr. Lotti stated that he is the operational manager for Earth & Ivy in New Brunswick, the first retail dispensary in New Jersey. Mr. Lotti also stated that Earth & Ivy has been open for a little over a year now and has learned a lot about the industry and the operations. Mr. Lotti further stated he follows the New Jersey Cannabis Regulatory Commission (“CRC”) adding he has a lot of contact and experience there. Mr. Lotti went on to say that he is well versed in legislation and will translate his experience here in Lakehurst.

Mr. Asadi referred to the Board Engineers’ review letter dated May 15, 2024 pointing out Section D titled Conditions asking if the applicant will have trouble complying with any of the conditions.

Mr. Lotti responded no.

Board Engineer Pamela Hilla indicated that there are several items listed in Section D that state testimony shall be provided to determine compliance.

Mr. Asadi responded that he would go over those items.

Mr. Asadi asked how many retail licensees are permitted in the Borough of Lakehurst.

Mr. Lotti responded that three are allowed, two in the B-2 Zone, which is Route 70, and one in the B-1 Zone that happens to be us.

Mr. Asadi questioned state license approval.

Mr. Lotti answered that Stokes Industries has a conditional license, adding in order to

receive a license from the CRC the licensee must have a complete build-out, a Certificate of Occupancy, and state inspection approval.

Mr. Asadi asked if the Borough of Lakehurst has given permission for Stokes Industries to proceed with obtaining requirements for this location.

Mr. Lotti answered in the affirmative.

Mr. Asadi asked if Stokes Industries has a Class 6 license.

Mr. Lotti responded they do not.

Mr. Asadi questioned the difference between a Class 5 License and a Class 6 License.

Mr. Lotti answered a Class 5 License is similar to a pizza delivery business where delivery is available only for the businesses own products, whereas a Class 6 License is similar to Uber Eats, the licensee can pick up product from any cannabis retail establishment and deliver the product. Mr. Lotti stated that Stokes Industries is strictly a Class 5 licensee.

Board member Andrew Hodges asked if Stokes Industry would perceive having a Class 6 License one day.

Mr. Lotti responded there is a possibility, adding that they would need to apply to the CRC for the license.

Chairman David Burton pointed out that delivery of product from Stokes Industry would be fulfilled by Stokes Industries employees only.

Mr. Lotti answered that is correct.

Mr. Asadi stated the layout of the retail space in regard to products and accessories shall be a minimum at or near the center of the store.

The architectural floor plan is marked as Exhibit A-1.

Mr. Lotti explained the architectural floor plan pointing out the entrance to the waiting room where ID is verified for 21 years of age, the patrons will then enter the showroom, employees will be behind a glass showcase where products are displayed, walls are concrete, doors to storage are steel doors that are pad lock, and all intake products will be parked along side the drive-thru area and enter in the back where no patron will be able to see what is being delivered.

Mr. Asadi questioned the products and accessory location.

Mr. Lotti pointed out the main general storage area is towards rear of store and added to

access that area you will need to enter two remote doors' padlocks that require keycard and ID. Mr. Lotti also stated that the other storage area where products are readily accessible will also have padlock, steel enforce doors.

Mr. Asadi asked if all products and accessories are stored indoors and secured.

Mr. Lotti answered in the affirmative.

Mr. Asadi asked if there will be any sales of alcohol.

Mr. Lotti responded no.

Mr. Asadi asked if there will be any sales of food or beverages.

Mr. Lotti responded no.

Mr. Asadi questioned the sales of edibles.

Mr. Lotti answered edibles will be sold but will not be consumed on sight.

Mr. Asadi pointed out that borough ordinance states the hour of operation shall be 10 a.m. to 9 p.m., asking if Stokes Industry will comply.

Mr. Lotti answered in the affirmative.

Mr. Asadi questioned the air treatment system asking for a description of such system and its compliance.

Mr. Lotti responded that the air filtration system that will be utilized will filter out the order and purify the air so that any odors generated inside the facility will not be detected outside the building adding he will comply with the borough ordinance and state regulations.

Mr. Burton stated that the filtration system includes outside ventilation.

Mr. Lotti answered that is correct.

Mr. Asadi stated that there is borough ordinance as well as state regulations in regard to security cameras asking how Stokes Industry will comply.

Mr. Lotti responded that the retail establishment will have a 24/7-hour camera access that the Lakehurst Police Department can login to, the security service stores all footage in the cloud so that you can access footage of any day and any time, and the CRC also requires access to the cameras as well.

Mr. Asadi questioned security guards.

Mr. Lotti answered that Stokes Industries has an outside contractor through a third-party service for police officers that have proper certifications and will be on duty from 10 a.m. to 9 p.m. Mr. Lotti stated he is aware that the borough ordinance has been revised to include armed security guards adding he is willing to comply with the revision.

Mr. Hock asked if the Lakehurst Police Department will have 24/7 access to the security cameras.

Mr. Lotti answered in the affirmative.

Mr. Asadi pointed out that the borough ordinance states that signage is prohibited from promoting consumption of cannabis asking if Stokes Industry will be in compliance.

Mr. Lotti answered in the affirmative.

Mr. Asadi asked for a description of the signage that will be used.

Mr. Lotti responded that the signage will state the name, Stokes Industries, and the words 21+ cannabis dispensary.

Mayor Robbins asked where the sign would be mounted.

Mr. Lotti answered the sign will replace the prior sign and one mounted on the building.

Ms. Hilla questioned the sign lighting.

Mr. Lotti responded the sign will not be flashing.

Councilman Oglesby questioned the applicant names as Fly by Night and the business name as Stokes Industry.

Mr. Lotti answered Fly by Night is the real estate holding company and Stokes Industries is the cannabis licensee.

Mayor Robbins questioned the waiting room and reception area.

Mr. Lotti answered the waiting room is separated from the reception area adding when the patron enters the waiting room, they will show their ID at the reception window.

Mr. Oglesby asked if the door to the receptionist area also a steel door.

Mr. Lotti responded that all the doors in the facility with the exception of the bathroom doors are steel doors.

Ms. Hilla questioned if there would be a vault.

Mr. Lotti answered the facility does have two vaults adding the CRC and the insurance company requires that the cash vault be 1200 pounds, fire rated vault.

Mr. Burton asked if the exterior wall to the storage area is a reinforced wall.

Mr. Lotti answered in the affirmative.

Mayor Robbins asked if products in the storage area are moved to the vault at the end of the day.

Mr. Lotti responded that products in the storage area are not moved to the vault due to the fact that all surrounding walls are concrete walls and the door to the storage area is steel, padlock.

Mr. Burton asked if the product will be displayed on the floor.

Mr. Lotti responded no products will be displayed on the floor.

Mr. Asadi asked if the drive-thru area will be utilized.

Mr. Lotti responded the drive-thru is not a typical drive-thru like fast food establishments adding orders that are placed online will be picked up at the drive-thru window similar to a pharmacy drive-thru. Mr. Lotti stated that the window is sealed shut and a slide out tray will be utilized for ID to be presented and product delivered.

Ms. Hilla questioned the delivery process.

Mr. Lotti answered the delivery of the products is five to ten times a week by box truck that has no indication of cannabis delivery. Mr. Lotti stated that the CRC requires that when a delivery is made, a security guard is to escort the driver to the backdoor of the facility.

Ms. Hilla pointed out that the backdoor is on Union Avenue, adding that is a concern.

Matthew Wilder, applicants engineer, was sworn to give testimony at 6:58 p.m. by Board Attorney Gregory Hock.

Credentials were given and accepted.

Mr. Wilder gave a brief history of the building stating it was built in 1963 and has pretty much stayed the same except for the drive-thru. Mr. Wilder stated that the drive-thru was added in the 1980's when it became a bank. Mr. Wilder also stated that the applicant is proposing improvements that will be beneficial to both the site and the neighborhood.

The Aerial view of site is marked as Exhibit A-2.

Mr. Wilder pointed out the aerial view shows the 200-foot radius map and the name of all buildings, adding the purpose of the aerial view is to show that there are no schools within 200 feet of the proposed property. Mr. Wilder stated that there are three driveways to the property, two full length driveways, one on Center Street and one on Pine Street, and one egress to Union Avenue that is in line for a drive thru. Mr. Wilder also stated that deliveries will utilize the westerly lane of the drive-thru adding this will make it easier for the security guard to go in and out of the establishment. Mr. Wilder further stated the applicant is proposing to make improvements to the landscape and add two ADA parking spaces.

Mayor Robbins asked if the parking lot will be resurfaced.

Mr. Wilder responded most of the parking area will be milled and overlayed and some areas that have base failure will be reconstructed.

Board member Maranda Salas questioned the parking lot being repaved.

Mr. Wilder answered most of the parking lot can be milled and overlayed. Mr. Wilder also pointed out that there are 360 square feet of unused asphalt, adding that will be removed and replaced with trees. Mr. Wilder stated that a trash enclosure will be installed on the furthest end of the parking lot so that it is not directly in line with the neighboring property, Hanger 21, easier for trash pickup being it is near the Pine Street driveway, and the area has the most grass coverage for plants to buffer the enclosure.

Ms. Hilla questioned the fencing being used for the enclosure.

Mr. Wilder answered the enclosure will be concrete reinforced pad with concrete footings and the fencing will be wooden gates with galvanized hinges. Mr. Wilder went on to describe the landscaping surrounding the property such as pruning trees that are already there.

Mr. Burton questioned the sidewalks.

Mr. Wilder answered will be examining the sidewalks and making all necessary repairs.

Mr. Burton pointed out that the lane being used for delivery needs to be striped so that no is to park in that lane.

Mr. Wilder responded that the Site Plan will be revised to indicate the delivery lane is striped.

Mr. Wilder went on to describe the site lighting stating that most of the proposed property is provided with lighting from the streetlights but will add to additional lights on the east side of the parking lot and lighting on northeast of the building to illuminate the ADA parking spaces.

Mr. Hock asked if the additional lighting is duly noted on the Site Plan.

Mr. Wilder responded that two additional standing lights are noted on the Site Plan and will revise the plan to include the lighting on the building.

Mr. Burton questioned the signage.

Mr. Wilder answered the applicant will be using signs that already exist.

Mr. Burton pointed out that the plans show no signage, adding the ordinance has restrictions as to the size of the signs.

Mr. Wilder responded that the Site Plan will be revised to indicate the details of the signage.

Mayor Robbins voiced his concerns regarding the lighting on the building and the property adjacent adding the adjacent building has a glass front.

Mr. Wilder stated that he will be certain that lighting is in a position not to reflect into the adjacent building.

Ms. Hilla questioned the directional signage.

Mr. Wilder answered that Do Not Enter signs will be added along Union Avenue as well as striping and Do Not Enter on the pavement. Mr. Wilder also stated that signage will be added along with pavement markings at the Pine Street driveway and the Center Street driveway.

Mr. Wilder stated that the applicant is seeking two design waivers in regard to landscaping. Mr. Wilder reported that a minimum of 10-foot-wide buffer is required along all lot lines and street lines which separates a nonresidential use from either an existing residential use or residential zoning district. Mr. Wilder went on to report that there are residential zones along Pine Street adjacent to the site and across Center Street; however, there is limited space to incorporate landscaping.

Ms. Hilla questioned electric vehicle compliance.

Mr. Wilder responded that one space will be provided for electric vehicles adding the revised plan will show.

Mr. Burton asked if there are sidewalks along the fence on the right side of the parking lot.

Mr. Wilder answered no.

Ms. Hilla asked if the proposed site will be utilizing the borough's water and sewer



services and added will the site require any upgrades to the fire suppression lines.

Mr. Wilder answered that the proposed site is a retail site and will use the existing utilities and added the fire suppression is not mandated by the state.

Ms. Hilla ask that the applicant provide certification that a fire suppression is not required for a Class 5 Cannabis Retail establishment.

Mr. Burton questioned the kitchen, will there be a stove, sink.

Mr. Lotti responded the kitchen is for employees to utilize for breaks adding there will be microwave, toaster, Keurig, and a refrigerator.

Ms. Hilla stated that the applicant is required to have approval from the Lakehurst Fire Chief regarding fire lane striping and signage.

Mr. Wilder acknowledged the requirement and added that once the Site Plan is revised to include all revision that was requested from the board engineer, he will send it to the Fire Chief.

Mr. Burton asked if the proposed establishment will be utilizing two drive-thru lanes, one window and one tube similar to banks.

Mr. Lotti answered only one drive-thru will be utilized and that will be by window with pull out draw.

Mr. Hodges voiced concern about the storage of all products and accessories that are not being stored in the center of the store.

Discussion held regarding interior and exterior walls.

Mr. Hock asked if the state has to approve the construction plans.

Mr. Lotti answered in the affirmative.

Mr. Hock also asked if the state has to approve the final build-out.

Mr. Lotti answered in the affirmative.

Mrs. Salas asked if the state does not approve the specs does the applicant need to come back in front of the Land Use Board.

Mr. Lotti responded that he first has to send to the state a preliminary floor plan showing the vault, security cameras, and doors before any construction begins. Mr. Lotti stated that the state looks for customers are not able to access products, steel enforced doors that are magnetic lock adding they do not look at materials being used.

Mr. Burton asked if the state is concerned with walls made from sheetrock.

Mr. Lotti responded that the state does not give specs of materials that need to be used.

Mr. Oglesby stated that testimony was given regarding the receiving of inventory and that the security guard will leave the post to escort the delivery asking how many guards will be on a day-to-day basis.

Mr. Lotti responded one guard will be on duty

Mr. Burton asked if the door would be locked when the security guard leaves the post so that no one enters the building.

Mr. Lotti responded the most that the security guard is away from the post is 3 to 5 minutes. Mr. Lotti also pointed out that there are times when there are no security guard due to labor laws requiring breaks.

Mr. Burton asked how many employees are on in one given day.

Mr. Lotti responded that about 10 to 15 employees, a receptionist, three at the counter, a manager, inventory specialist, one working the drive-thru adding there are two shifts.

Mr. Burton questioned if there are enough parking spaces for both employees and customers.

Mr. Lotti answered that the establishment is not that busy, customers are in and out, spending about 4 to 5 minutes in the store.

Mr. Burton asked how many customers are allowed in the store at one time.

Mr. Lotti responded when the CRC conducts the site inspection, they will give the occupancy load.

Mr. Wilder added the drive-thru will help eliminate crowding.

Mr. Burton asked if there will be designated spots for customer pick up.

Mr. Lotti responded we do not like to deliver products to a vehicle without security adding pickup orders will be directed to the drive-thru.

James Reichard, property owner, was sworn to give testimony at 7:26 p.m. by Board Attorney Gregory Hock.

Mr. Reichard stated that Stoke Industry will offer delivery within Lakehurst and added the drive-thru is also a help keeping people safe and secure. Mr. Reichard explained that if the customer is to choose the drive-thru, they will need to show ID, the customer will

have the option to pay online or pay cash at the window.

Mr. Burton questioned the delivery vehicle.

Mr. Reichard answered the employees will use their own vehicle adding the vehicle will be registered with the state.

Mr. Lotti added that the vehicle will have no markings, must be insured, the driver cannot have points on their license, and the vehicle will have a GP tracking device so that we can track everywhere they go.

Mr. Burton asked if there will be a safe in the vehicle.

Mr. Lotti answered in the affirmative adding that the CRC mandates a gun safe for the products and a lock box for the cash.

#### PUBLIC COMMENTS ON FLY BY NIGHT LLC FOR MINOR SITE PLAN:

Time opened: 7:28 p.m.

NO PUBLIC COMMENT

Time closed: 7:28 p.m.

Motion by: Kori Brennan

Seconded by: Steven Oglesby

To approve application of Fly by Night, LLC for Minor Site Plan for Cannabis Retail Business approval for the property designated as Block 68, Lot 1 with the following conditions:

- 1) At a minimum new topcoat on the asphalt, parking lot will look like new
- 2) Sidewalks and curbs will be repaired and replaced as needed
- 3) Striping of loading zone
- 4) Additional building mounted lighting in the ADA parking area, shielded from the adjacent property
- 5) Signage will comply with borough ordinance
- 6) Fire official approval for fire and loading zone stripping
- 7) Two waivers that are requested and granted in regard to parking buffers listed in the engineer's report
- 8) Installation of stops signs, circulation signs
- 9) Provide one electric vehicle charging station

Roll call vote held.

Board Member	Ayes	Nays	Abstain	Absent
Mayor Robbins	x			
Councilman Oglesby	x			
Mr. Burton	x			
Ms. Brennan	x			
Mr. Emmon				x
Mr. Hodges	x			
Mr. Robbins				x
Mr. Robinson	x			
Mrs. Salas	x			
Ms. Dries	x			
Mrs. Parker				x

PUBLIC COMMENTS:

Time opened: 7:32 p.m.

NO PUBLIC COMMENT

Time closed: 7:32 p.m.

ADJOURNMENT:

Motion by: Steven Oglesby

Seconded by: Maranda Salas

To adjourn meeting. Roll call vote held.

Board Member	Ayes	Nays	Abstain	Absent
Mayor Robbins	x			
Councilman Oglesby	x			
Mr. Burton			x	
Ms. Brennan	x			
Mr. Emmon				x
Mr. Hodges	x			
Mr. Robbins				x
Mr. Robinson	x			
Mrs. Salas	x			
Ms. Dries	x			
Mrs. Parker				x

Time: 7:32 p.m.

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Maryanne Capasso, Secretary  
Lakehurst Land Use