



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
April 1, 2025
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:30pm.

PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led everyone in a flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE:

Mr. Messerschmidt read the following into the record:

This is an open public meeting of the Andover Township Land Use Board to be conducted in-person only at the Municipal Building, located at 134 Newton Sparta Rd., Andover, NJ 07860. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda. No new testimony will be taken after 10:30pm. Adequate notice of this meeting has been provided, with an electronic copy posted on the Andover Township website at www.andovertwp.org. The Township cannot guarantee the reliability of internet service and the ability of a member of the public to join the meeting. In the event that the live stream meeting is unavailable, the in-person meeting will proceed as scheduled.

ROLL CALL:

Eric Karr (Class I) – Excused
Richard Then (Class II) – Present
Krista Gilchrist (Class III) – Present
Richard Skewes (Class IV) – Present
Joseph Ordile (Class IV) – Present
Eric Olsen (Class IV) - Present
John Carafello (Class IV) - Present
James Casler (Class IV) – Present
Karen Rozek (Alternate 1) - Present
Paul Messerschmidt (Class IV) – Present

Also Present:

Thomas Molica, Esq.

Cory Stoner, PE

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:**Approval of Minutes:** March 18, 2025.

A motion to approve the minutes of the March 18, 2025 meeting was made by Mr. Skewes and seconded by Mr. Then. Roll Call: Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS: None.**ORDINANCES:** None.**COMPLETENESS:**

1.) Abbey Alpha, LLC Block 151, Lots 22 & 22.02 Application # 25-02

The Applicant proposes 102 townhouses (26 vertical & 76 Stacked) for mixed income residents, a wastewater treatment plant, a maintenance building, and 5-bedroom employee/volunteer quarters for the Monastery.

Mr. Stoner went over his report dated March 31, 2025 and said the applicant was seeking preliminary and final site plan for townhouses. He went over the requested waivers and said they requested a waiver of the locations of all structures within 200 feet of the tract. Mr. Stoner felt it is a very large parcel and they provided information around the portion they are proposing to develop and he had no objection to granting a waiver. He said he wanted more information on the fire protection for the buildings. He requested documentation on the organizational detail of the project such as if it would be a homeowners association. Mr. Stoner requested architectural drawings for the maintenance building and the well house and information regarding the wastewater treatment facility. He requested details on the staff/volunteer building, information on parking, driveways and grading. Mr. Stoner felt the Board should have a color rendering of the proposed sign. He felt these items should be provided prior to the meeting. Mr. Stoner recommended the application be deemed complete however; the requested information would need to be provided prior to the hearing.

Mr. Owen Dykstra, engineer for the project said they would provide the architectural drawings for the maintenance building. He said the wastewater treatment plant has not been finalized and is still under review with the DEP however, they would not have that in time for the meeting. Mr. Dykstra said there is a full fire protection system on the plans. Mr. Stoner asked

for a letter from the Fire Subcode Official or Architect with what fire protection would be needed for the proposed use. Mr. Ordile asked for the architectural drawings for the employee/volunteer house to which Mr. Dykstra said they are working on that and if it is not ready by the time of the hearing, they would remove that from the application and return to the Board with that piece.

A motion to deem the application complete with the noted waivers was made by Ms. Gilchrist and seconded by Mr. Skewes. Roll Call: Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, John Carafello – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

The Board set a hearing date for May 6, 2025.

2.) Scotto Land Investments, LLC Block 161, Lots 3 & 3.01 Application # 25-03

The Applicant is proposing an outdoor cannabis cultivation farm as per recently adopted Ordinance 2025-05 which recognized outdoor cannabis cultivation as a conditionally permitted use. The Applicant shall demonstrate satisfaction of the minimum lot size, maximum permitted coverage of cultivated land and enclosed physical barrier, setbacks, security, odor control and signage.

Mr. Stoner said the application was for a preliminary and final site plan for cultivation fields of cannabis. He felt the application could be deemed complete subject to the applicant demonstrating they could meet all the conditions of the conditional use. Mr. Messerschmidt said the completeness review committee met before the meeting and there were a few questions however, it was the recommendation of the subcommittee to recommend the application be deemed complete.

A motion to deem the application complete was made by Mr. Olsen and seconded by Mr. Then. Roll Call: Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, John Carafello – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

HEARINGS: None.

(All submitted materials can be found under the Land Use section on the Township website www.andovertwp.org.)

1.) Scotto Land Investments, LLC Block 161, Lots 3 & 3.01 Application # 25-03

The Applicant is proposing an outdoor cannabis cultivation farm as per recently adopted Ordinance 2025-05 which recognized outdoor cannabis cultivation as a conditionally permitted use. The Applicant shall demonstrate satisfaction of the minimum lot size, maximum permitted

coverage of cultivated land and enclosed physical barrier, setbacks, security, odor control and signage.

Mr. Selvaggi, Esq. of Lavery, Selvaggi & Cohen was representing the applicant. He said the applicant needs to satisfy the conditions of the ordinance and if they do then it is a permitted use and then would just need site plan approval. He said they would address the issues in Mr. Stoner's report dated March 28, 2025. He said they report raised issues of other uses on the property. Mr. Selvaggi said the property is 200 acres and the other uses have cropped up over time. He said the applicant is prepared to address the other uses and whatever approvals and permits are needed they would request as a condition of any approval.

Mr. Molica swore in Mr. Daniel Sehnal, PE with Dynamic Engineering. Mr. Sehnal gave his qualifications, which were accepted by the Board.

Mr. Sehnal said he oversaw the plans for the project. He referred to sheet 2 of 3 of the submitted site plan which was dated March 18, 2025. He explained the site plan and said the site is just over 210 acres with an address of 81-83 Brighton Road, Andover. The site is located within the Industrial zone where the existing agricultural use is a permitted use and the proposed cannabis use would be a conditionally permitted use. To the North are residential uses in the R-2 zone as well as the Route 206 Redevelopment Zone. To the east is the Sussex Branch Rail Trail with agricultural uses further to the east within the Industrial zone and the Borough of Andover further beyond that. To the south, there are additional agricultural uses in the R-2 zone and further beyond that is Green Township. To the west is Brighton Road also known as County Road 602 with agricultural and single family uses on the other side of Brighton Road. Brighton Road is a two-lane undivided highway under County jurisdiction with one lane in either direction with a speed limit of 45 miles per hour. Currently there are two driveways providing access to the site. One gravel driveway provides access to two existing residential dwellings on the northern end of the frontage and one larger gravel driveway in the center of the site provides the main access to the existing farm uses on the site. There are several existing single-family dwellings and associated garages on the property to the north. The centralized portion of the site contains the heavy farming use with various barns and outdoor storage of farming equipment. The gravel driveway continues throughout the site up to the rail trail and then further beyond that was Lot 2 that was previously owned by the applicant but was sold this past June, which also includes agricultural uses. Mr. Selvaggi noted Mr. Stoner's report questioned if there was a permanent easement for the gravel drive through Lot 3 to Lot 2 and asked if there was anything recorded indicating there was an easement. Mr. Sehnal said he did not see anything on the survey indicating an easement. Mr. Selvaggi said the applicant would agree as a condition of an approval to have an easement recorded. Mr. Sehnal said Lot 2 is landlocked and would have no access without the gravel drive.

Mr. Sehnal said the Kymer Brook is running through the center of the site, which is a category 1 stream with an associated 300-foot riparian buffer. He pointed out the environmentally sensitive areas within the site that need to remain undisturbed. He said there are seven

cultivation fields located throughout the site and were identified on the site plan, which make up about 100 acres in total. The green hatched area on the plans are areas not impacted by the environmental constraints and could be utilized for additional farming fields if so required. The applicant is not changing what is on the site. The agricultural uses on the site would change to grow cannabis, which come with several conditional use requirements. Mr. Sehnal went over the conditions of the conditional use ordinance. He said 125 acres is required and they have 210 and the maximum coverage of cultivated land shall not exceed 30% of the total tillable land with no more than 2,500 plants per acre. Mr. Sehnal explained the tillable land, said they have 139.4 acres, and explained the total tillable area, which equates to 30% of the total tillable land. The cultivation activity shall be at least 200 feet any residential buildings, parks or school building which they comply because none of those uses are within 200 feet of the proposed cultivation areas. Cultivation may occur in open expanse of cleared ground fully enclosed by a physical barrier. The proposed areas are existing open fields, which would have an 8-foot chain-link fence, which would fully enclose the field hence complying with the ordinance. The ordinance requires the eligible locations for cannabis facilities conducting outdoor cultivation shall be at least 750 feet from the edge of tillable property used for cultivation and the nearest residential zone. The entire proposed area is more than 750 feet from the nearest residential zone and must be 800 feet from the nearest roadway, which the proposed fields are set to the rear of the property well off of Brighton Road which meets the 800 foot required setback. Mr. Sehnal said the eight-foot fence would comply with the State requirement for an outdoor cannabis cultivation facility. There were three locations identified on the plan for prefabricated 8X8 guard houses, which would be another security feature operated to oversee the cannabis cultivation fields at all times. Mr. Sehnal said the cultivator would address the odor control. There is no proposed signage so they comply with the requirement. There would be no drying of the cannabis product onsite. It would be harvested and immediately put into refrigerated trucks and then hauled to the processing facility located in a different municipality. The cultivator is set to secure the State license, which is a requirement.

Mr. Sehnal said they would comply with Mr. Stoner's report. He said the fields proposed for cannabis cultivation do not need to be graded or altered in any way. They are currently used for growing and will continue to be used for growing.

Mr. Selvaggi said the State requires the outdoor grow area to be situated in the greatest achievable level of privacy and security and asked Mr. Sehnal if he believed the proposed areas for cultivation met that State requirement. Mr. Sehnal said yes and that he had visited the site and the proposed cultivation fields are well outside of the view of the public eye. He said the fields cannot be seen when driving by and one would need to get past all of the existing farm uses before you get to the proposed cultivation areas, which are well secluded and hidden from the public eye. Mr. Selvaggi asked if the details for the fencing and locks would be in compliance with the Uniform Construction Code to which Mr. Sehnal said yes. He said the locks would be commercial grade. Mr. Sehnal said since they are not disturbing anything they are not applying to the Soil Conservation District however; they did apply to the County and have an application pending before the County.

Mr. Stoner asked for details on the fence. Mr. Sehnal said it would be a standard 8-foot high chain-link fence, no barbed wire on top and it complies with the State requirements. Mr. Stoner asked if the security booths were a prefabricated type building to which Mr. Sehnal said yes. Mr. Stoner asked what it would sit on to which Mr. Sehnal said it would sit on gravel. Mr. Stoner asked that the access easement be memorialized in the deed to which Mr. Sehnal agreed. Mr. Stoner asked if the percentage of tillable land was based on including any wooded area that could be removed and turned into tillable land to which Mr. Sehnal said yes. Mr. Sehnal said the wooded areas are not currently used because they are hilly however; they could be turned into tillable land with removing the trees and grading. Mr. Stoner wanted the Board to be aware that the 30% is based on all of the tillable land, not what is tilled currently. There was a discussion on maximizing the fields and use. Mr. Stoner asked about the farm roads that connect the fields. Mr. Sehnal said he would add that to the plans. Mr. Stoner asked that the revised plans show the current owner of Lot 2. Mr. Stoner asked about the survey that was submitted with the application to which Mr. Sehnal said they used that for their base map to show the features that exist on the site.

Mr. Casler said the survey map notes a tenant on Lot 2 and asked if the access road serves Lot 2 to which Mr. Sehnal said it connects but there would be a gate to close it off as Lot 2 has a separate access.

Mr. Messerschmidt asked for clarification on the easement location. Mr. Sehnal said the access easement would be from Brighton Road through Lot 3.01 to the rear property line to provide access to Lot 3. He said the easement would be through Lot 3.01 to the benefit of Lot 3 to where the cultivation uses would take place. Mr. Messerschmidt asked why the easement is needed when the properties were in common ownership. Mr. Selvaggi said the easement is in case there is a change in ownership and they did not want to be in a situation where someone would say the access could not be use. Mr. Messerschmidt asked if there would be slats put in the chain-link fence to which Mr. Sehnal said it was his understanding there would not be but deferred that to the operator. Mr. Messerschmidt asked about the items close to the riparian buffer and asked if it was confirmed they are not in the buffer. Mr. Sehnal said they are 300 feet from outside of the top of the bank. The items parked there are within an area that is already disturbed and anything in the riparian buffer area would be left undisturbed. Mr. Messerschmidt asked about Lot 2 and said it shows that Scotto Land Investments owns it however; it is now owned by Freedom Properties Group. Mr. Selvaggi said they would revise the plans because the sale went through in June and the survey picked up that it was still in common ownership with Scotto Land Investments. Mr. Selvaggi presented a copy of the recorded deed, recorded with the Sussex County Clerk's Office in Deed Book 10329, page 6 on August 15, 2024 and shows conveyance of Lot 2 from the grantor Scotto Land Investments, LLC to Freedom Properties Group, LLC, which was marked and entered as exhibit A-1.

Mr. Messerschmidt asked if there were any restrictions on the deed that would pertain to the application. Mr. Selvaggi said there was nothing noted on the deed.

Mr. Olsen asked if the easement through Lot 3.01 would grant access to Lot 2 as well. Mr. Selvaggi said it would not allow access to Lot 2. He said they could cut the easement short of the property line with Lot 2 so there is no question of any access to Lot 2 through Lot 3.01. Mr. Olsen asked if Lot 2 was landlocked to which Mr. Sehnal said it has a flag out to a roadway. Mr. Olsen asked how field 5 would be accessed. Mr. Sehnal said there is an access; it is just hard to see on the plans. Mr. Olsen asked about the road that crosses Kymer Brook. Mr. Sehnal said it is an existing bridge, adequate to support the farm equipment. Mr. Olsen asked about the roadway to which Mr. Sehnal said it is gravel. Mr. Olsen asked about the public trail, which looks to be at the property line within the 200-foot buffer and noted the ordinance states the cultivation fields need to be outside of the 200-foot buffer. Mr. Selvaggi said the adopted ordinance 2025-05 did not include setbacks from trails. He said their application applies to Section 121 of the outdoor cultivation ordinance, which does not include a section for trails. Mr. Olsen asked about the location of the guard booths. Mr. Sehnal said he would defer that question to the cultivator. Mr. Olsen asked if they intended to put conservation easements on the wetland areas. Mr. Sehnal said the conservation easements were associated with the wetlands that were recorded with the County, essentially recording and formalizing the locations of the wetlands and those areas would remain undisturbed. Mr. Stoner said when he did his site visit; the area was replanted with trees. Mr. Olsen asked if there were deed restriction on this area of the property. Mr. Sehnal deferred that question to the property owner.

Ms. Gilchrist asked if the access roads would be for farm equipment and trucks to get to the back of the property to which Mr. Sehnal said yes. Ms. Gilchrist said the State code states access should be limited to authorized personnel for cannabis cultivation and asked if the fences would be adequate to section off the fields from the rest of the property. Mr. Sehnal deferred the question to the cultivator.

Mr. Ordile said the Board did not receive a list of the property owners within 200 feet or an updated plan with the list on it. Mr. Molica said that is not a requirement and said the applicant did serve notice and the notice is acceptable. Mr. Ordile asked if there would be electric, water or other utilities provided to the guardhouses to which Mr. Sehnal said probably only electric. Mr. Ordile asked about the location of the farm roads to which Mr. Sehnal indicated their locations on the plans. Mr. Ordile asked for the location of the gates to which Mr. Sehnal said that could be confirmed with the cultivator. Mr. Ordile asked about the environmentally sensitive areas. Mr. Sehnal explained the wetland flag locations, which is the boundary of the identified wetlands.

Mr. Molica swore in Mr. Ross Bevevino, cannabis cultivator for the property. He gave his background in the cannabis industry and said they have a New Jersey cultivation license. He said they would be a tenant to Scotto Properties and an agreement to cultivate on the property. He said they currently have an indoor cultivation facility in Plainfield, NJ and they are in good standing with the CRC. He explained the Plainfield, NJ operation. Mr. Bevevino said he met with Chief Danielson and went over the location of the guard gates and the proposed security measures. He said all cannabis in NJ is currently indoor. He explained how everything is tracked

and traced. Every plant would be tagged and scanned into the State and if at any point the plant is moved which is during harvest; it must be scanned again and weighed. The applicant has the SOP in place to address all State compliance and to make sure there is no waste or theft. If they have a corrupted crop, they would need to follow State remediation rules and quarantine it. The plants will be tagged in the field. He said they expect two harvests; one starting in August with a replant with auto flower or seed which would allow the cultivatable land to be cultivated twice. The other half would be full-term plants, which stay from May through October when they are harvested. There would be no drying or processing on site. They will take the plant from root, put it on a tarp on a truck to protect it from contamination and immediately take it on a refrigerated truck to their licensed and approved facility in Plainfield, NJ. Mr. Bevevino said hemp and cannabis have the same smell; one plant creates the active ingredient of THC and the other is BCD dominate. The odor is created when the plants are agitated or harvested. He said there is not an enormous amount of smell during the growing process. He said they have contracted with Tranquility Farms, who is already cultivating other crops on the land. He said they are putting lavender and marigolds around the entire fence. He said they would have upwards of 40 people harvesting to get through the process as quickly as possible and get the cannabis out of Andover. He said if there are smells they feel permeate and are a nuisance, above what the lavender and marigold can do, they would be prepared to use industrial farming chemicals or solutions that would normally be used for manure or open-air cannabis operations. They are hoping not to use that because they want an organic crop. This would be the first sun grown organic crop grown in the State. He said they should be able to harvest everything within a week during daylight hours. The security cameras would be placed at all four corners, and then every 30 feet. There would be nighttime cameras, 24-hour guards and scheduled sweeping on a quad. He said the CRC might ask for additional cameras maybe up in a tree. They must have an alarm system, with 24-hour video surveillance per State regulations. They will have a generator backup for any power loss for the guard booth. The guard booths are strategically placed because they do not want to attract attention to the guard booth. One booth would be at the entrance to the cultivation area. People would have to check in with guard and have proper identification then they would be disbursed to the field they are going to work. They do not want any attention on the main road that anything is taking place in the fields. Anyone in the fenced in area has a right to be there and on authorization only. He said the employees would be fingerprinted, have a background check by the State, and would be badged by the State. He said they would need to bring in subcontractors during the heavy labor times, but staff members who are badged at the State level would be the only ones to permit them in and tell them where to go to work. The guard would do a sweep of the fields every few hours and take notes, as this must be done per the CRC. They must provide the Andover Police Department will full access to the security cameras. The State has 24-hour access to the cameras as well. Mr. Bevevino said he understood if odor is an issue and the municipality is forced to monitor it, he would be responsible to pay for it. He said he has not had any issues with security or odor at his Plainfield facility. He said if there have been no odor issues with the hemp, then he did not perceive any issues with the cannabis. He said they would move all of the product on a truck to Plainfield the same day it is cut. They are a cultivator with the State in good standing. They applied for a municipal license, which is pending. Mr. Bevevino said the State requires an 8-foot chain-link fence with security access for

the workers. He said they would prefer their security personnel have full view and felt privacy slats would inhibit that view. He felt nobody would be able to see the crop from the outside. He said they would purchase a mobile irrigation pump in addition to the two that exist. He said the current farmer said there should be no water problem. He said damaged crop is called quarantined product and they would have a quarantine section in Plainfield where the product would go to immediately which would then be disposed of under State guidelines. It would not be left on the property. He said they have already reached out to the local retail cannabis facilities to make sure they have some supply from their current harvest. The rural dispensaries have limited menu issues. They would offer Andover dispensaries first allocation of the harvest before they go to market. He said the crop is cut, hung, taken to Plainfield, dried for 10 to 13 days, trimmed, processed into a product and then sold to dispensaries. There are no visitors to the site however they would be allowed to show buyers the crop.

Mr. Stoner asked for a Standard Operating Procedures document, which would be reviewed by the State and then filed with the Township to which Mr. Bebevino said yes. Mr. Stoner asked if Tranquility Farms employees would be helping with the harvesting. Mr. Bebevino said they would be reaching out to Rutgers students and local employees but the Tranquility Farms foreman will be getting badged by the State. Mr. Stoner asked for a copy of the business license and name to which Mr. Bebevino said he would supply that. He said the name is Mollitiam NJ, LLC and they do business as Jersey Strong Cannabis. Mr. Stoner asked how a change in cultivator would take place. Mr. Bebevino said the Township and CRC would have to approve a new cultivator. Mr. Stoner asked if the license is with the landowner or the cultivator to which Mr. Bebevino said his company holds the license and they enter into a lease with the landowner. Mr. Stoner asked about the locations of the guard booths to which Mr. Bebevino explained the booth locations and which one would be the main check-in booth. Mr. Stoner asked if there would be a fence near the old railroad bed trail to which Mr. Bebevino said yes. Mr. Stoner asked if they would install a berm and plantings since people use the trail to which Mr. Bebevino said yes. Mr. Stoner asked if they would run the power from the barn to the fields to which Mr. Bebevino said that was their plan. He said the booths do not take much power and they would have mobile WIFI for the computers. Mr. Stoner asked if the plants are cut at the roots, do they regrow the following year. Mr. Bebevino said it becomes compost and there is a cover crop put in over it to enhance the soil for the next season. They would replant the next year. The initial cutting is from their plantings in Plainfield and they would have some seed planting as well. He said they are hoping for two harvest.

Mr. Ordile asked if an individual would be in each guardhouse 24/7 to which Mr. Bebevino said yes. Mr. Ordile asked about the shifts. Mr. Bebevino said 7-3, 3-11 and 11-7. Mr. Ordile asked about restroom facilities. Mr. Bebevino said there are facilities in the house, but they would bring a trailer in for restrooms and breakroom. Mr. Sehna said the guard booth and trailer would be placed in an already disturbed access area and there would be no further disturbance. Mr. Ordile asked what would happen to the security cameras during a power failure. Mr. Bebevino said they would pull power from the house because the cameras do not take a lot of power to operate. Mr. Ordile asked about employee parking. Mr. Bebevino said they would park by the main farmhouse and they would not be creating any new parking areas. Mr. Ordile

asked if there would be any lighting during an October harvest. Mr. Bevevino said they do not harvest during the night when the plants are sleeping. Mr. Ordile asked if the security cameras have alarms on them. Mr. Bevevino said there are alarms that go directly to the guard booth and to management but it would not be a physical alarm, just an alert on the system. Mr. Ordile asked if the guards would be on the quads at night to which Mr. Bevevino said yes. Mr. Ordile asked if any of Mr. Bevevino's other facilities have been contacted by the CRC regarding a security issues to which Mr. Bevevino said no. Mr. Ordile asked if they would need to do any soil mitigation to prepare for the crop to which Mr. Bevevino said yes. Mr. Ordile asked if there would be runoff from the fields into the Kymer Brook. Mr. Bevevino said it was his understanding from Tranquility Farms that even in the wettest season there has been no runoff into the creek from their crops and even in the dry season, there was ample water to maintain all of the crops on the field. Mr. Ordile asked about the number of trucks to the property. Mr. Bevevino said over a week's time there would be eight refrigerator trucks every day for seven to ten days.

Mr. Olsen asked if they would be using organic practices to which Mr. Bevevino said they are going to try. He said as the fields are monitored and if they see pests, they may have to use chemicals. He said they would bring the chemicals in and use them quickly. He said there have not been any issues there now and they are planning to grow cover crops as well. The pesticides and fertilizers have to be approved by the State. Mr. Olsen asked if the water is coming from wells. Mr. Bevevino said there are two wells on the site drawing water from the creek, which is currently being used by the farmer. He said they would add their own mobile pump. Mr. Olsen asked if they need a permit to draw water from the creek to which Mr. Bevevino said he did not know. There was a discussion on the exemption status for farming. Mr. Olsen asked for a landscaping plan for the lavender and marigold to which Mr. Bevevino said yes. Mr. Olsen asked for updated plans to which Mr. Stoner said they need to supply revised plans. Mr. Olsen expressed a concern with visibility from the trail into the fields. Mr. Sehna said he walked that trail in the summer and there is almost no visibility due the amount of brush in that area. There was a discussion on the visibility in that area. Mr. Bevevino agreed to berm the area. Mr. Olsen asked how long they anticipated farming the property to which Mr. Bevevino said as long as he can.

Mr. Messerschmidt asked if there are any outdoor grow facilities in the northeast to which Mr. Bevevino noted various locations. He said he was not involved in any of those operations. Mr. Messerschmidt asked about odor control used in the California operation that Mr. Bevevino worked at. Mr. Bevevino explained the indoor odor issues and said their outdoor hemp growing only had an odor issue when harvesting. Mr. Messerschmidt asked if the applicant would agree to look into if a permit is necessary for drawing water from the Kymer Brook. Mr. Messerschmidt asked what would happen if the marigolds and lavender die. Mr. Bevevino said they would replant it or use chemicals to control the odor. Mr. Messerschmidt asked if Mr. Bevevino has researched how long the lavender and marigolds give off their fragrance to mask the odor. Mr. Bevevino said the marigolds and lavender hit their peak season when the cannabis hits its peak season. He said they did not foresee any odor issues while the cannabis is going and the marigolds and lavender bring in good mites that kill the bad mites to avoid using

pesticides. Mr. Messerschmidt asked if they would be using a third party security company to which Mr. Bevevino said yes. Mr. Messerschmidt asked how they would be able to report a fire to which Mr. Bevevino said they would have a direct line to the fire chief, police chief and each booth will have a panic button. Mr. Messerschmidt asked if there would be any onsite fire suppression until the fire department arrived. Mr. Sehnal said the irrigation system could be used. Mr. Messerschmidt asked about the number of plants that would be in field number four. Mr. Bevevino said there would be about 2,000 plants per acre. Mr. Messerschmidt asked about the typical height of the plant. Mr. Bevevino from 4.5 feet to 6.5 or 7 feet. Mr. Messerschmidt asked if the applicant would be willing to add slats to the fencing facing the trail to which Mr. Bevevino said yes. Mr. Messerschmidt asked if they would also add the berm and plants where the trail is located. Mr. Selvaggi said it would be added just where the easement is near the trail. Mr. Messerschmidt asked about the height of the berm to which Mr. Sehnal said it would be 4 feet with evergreens on top at 6 feet at time of planting. Mr. Messerschmidt asked about truck circulation in the fields during harvest. Mr. Bevevino said they would use wagons to transport the cut product to the trucks. The trucks would not pull up to the field. Mr. Sehnal explained the trucks would be set up on a staging area. The trucks would be onsite and would not be backing into the site. Mr. Messerschmidt expressed a concern with a truck being stuck and the odor coming from the cut product that could not be moved offsite. Mr. Bevevino said they would put together a transportation and delivery plan. He said the product would be in a sealed refrigerated truck with the door closed. There was a discussion on how the product is transported to the refrigerated trucks. Mr. Messerschmidt asked about the size of the generator. Mr. Bevevino said he was not prepared to answer the power questions however; he would prepare something to address the type of power needed and present it to the Board Engineer for his review. He said the generator would be a very low load and the cameras may be solar powered. Mr. Messerschmidt asked that the size of the generator be added to the site plan to which Mr. Sehnal agreed. Mr. Messerschmidt asked if any of the property was in a flood plain to which Mr. Sehnal said he did not delineate the flood plain but would add that to the site plan. Mr. Stoner said it may be close to the portable office but since it would not be on a permanent foundation, he did not have an issue with it.

Mr. Then asked if once the product is loaded onto the trucks, are the trucks then escorted to Plainfield. Mr. Bevevino said the truck has a cage in the back and there is a GPS tracker in the truck. He said although they are not required to, they would probably use an armed guard as well. He said the trucks are unmarked.

Mr. Carafello asked if they would be using the residual material to fertilize the ground to which Mr. Bevevino said no. Mr. Carafello asked how the 2% ratable is calculated to which Mr. Bevevino explained to calculation as the weight of the sellable flower.

Mr. Ordile asked if what is currently being grown on the property is organic to which Mr. Bevevino said he thought some of it was organic. Mr. Ordile asked if something could be done to make it organic to which Mr. Bevevino explained the organic process. He said it is their intent to use the soil in its current state.

Mr. Stoner said he looked up the flood plain in that area and it is close but not in the direct area of the farming. Mr. Olsen asked if the applicant could add any conservation easements to the site plan to which Mr. Sehna said yes.

The Board took a five-minute break.

Mr. Messerschmidt asked if the applicant would agree to obtain any electric permits and inspections needed for the power to the guard shack to which Mr. Bevevino said yes.

Mr. Molica swore in Mr. Peter Realmonte, Chief Operating Officer of Scotto Properties. Mr. Realmonte said he indirectly manages the farm. He said it was his understanding that Moynihan was only parking construction vehicles on the property however they are doing more than that. He said they would ask Moynihan to leave the property. He said all of the piles of debris would be removed from the property. Mr. Realmonte explained the other uses on the property and said the old barns and garages on Lot 3.01 have always been used to store farm equipment. He said one building was used by four landscapers to store landscaping equipment. The new garage was being used to store antique cars. One building was used by Moynihan to store construction vehicles and construction debris. Mr. Selvaggi said all of these activities were taking place on Lot 3.01 and the growing is on Lot 3 and the only use for the cannabis growing on Lot 3.01 was the use of the driveway.

Mr. Messerschmidt asked if there was a residence on Lot 3.01 to which Mr. Realmonte said there is one house. Mr. Messerschmidt said there are two uses on one lot and one of those uses needed to be removed. Mr. Realmonte said the person living in the house takes care of the horses. Mr. Realmonte said if the uses continue, he would return to the Board for approval. There was a discussion on the uses on Lot 3.01. Mr. Realmonte agreed that he would have the debris removed from Lot 3 within 45 days.

Mr. Rozek asked that American Holly be planted on top of the berm to which Mr. Bevevino agreed. Ms. Gilchrist felt the slats in the fence would attract more attention to the site. There was a discussion on the fence and berm. Mr. Stoner agreed with Ms. Gilchrist that the slats were not needed. The Board agreed to remove the condition requiring the fence slats.

Mr. Messerschmidt opened the meeting to the public. With no public present, the meeting was closed to the public.

Mr. Selvaggi said they have addressed all of the conditions of the conditional use ordinance, which means the use is a permitted use. Mr. Selvaggi and Mr. Molica went over the agreed upon conditions.

A motion to approve the application with the noted conditions was made by Mr. Olsen and seconded by Mr. Casler. Roll Call: Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – no, Joseph Ordile – yes, Eric Olsen – yes, John Carafello – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

OLD BUSINESS:**1.) Meeting Attendance via Zoom.**

Mr. Messerschmidt said the Board had discussed this in a previous meeting. Mr. Molica said the annual notice talks about live in-person meetings only and his position was that Board Members could not attend via Zoom.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Environmental Commission –Eric Olsen

Sustainable Andover – Eric Olsen

Economic Development Committee – John Carafello

The Board agreed to carry the liaison reports to the next meeting.

Master Plan – Joseph Ordile

Mr. Ordile asked to move the public hearing for the Master Plan to April 29, 2025.

VOUCHERS:

Company	Purpose	Amount	Paid By
Vogel, Chait, Collins & Schneider	Legal	595.00	Budget
Vogel, Chair, Collins & Schneider	Ringo Properties, LLC	280.50	Applicant's Escrow
Vogel, Chait, Collins & Schneider	Pura Vita, LLC	170.00	Applicant's Escrow

A motion to approve the bills was made by Mr. Then and seconded by Mr. Ordile. Roll Call: Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, John Carafello – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

PUBLIC PORTION:

If a member of the public has a question or comment, please raise your hand and wait to be recognized by the Chairperson to speak. Please come forward when recognized and state your name and address, unless you are a registered covered person under Daniel's Law by the Office of Information Privacy. Please refrain from asking questions or making comments about any pending application before the Board, as the applicant may not be present for cross-examination. The Chairperson has the right to limit the amount of time a person from the public has to ask questions and make comments so all members of the public may have a chance to speak.

Mr. Messerschmidt opened the meeting to the public. With no public present, the meeting was closed to the public.

CORRESPONDENCE: None.

SCHEDULING OF PENDING APPLICATIONS:

- 1.) Pura Vita, LLC, B: 108, L: 1.01 – Deemed incomplete 3.4.25
- 2.) Abbey Alpha, LLC B: 151, L: 22 & 22.02 – Completeness scheduled for 4.1.25
- 3.) ZJM Properties, LLC B:126, L: 5.03
- 4.) Aguila, Pedro B:134 L: 28

UPCOMING MEETINGS: April 15, 2025, April 29, 2025

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn was made by Ms. Gilchrist. It was seconded by Mr. Olsen and passed with everyone saying aye.

Respectfully submitted,

/s/ Stephanie Pizzulo

Stephanie Pizzulo

Land Use Administrator