

City of Garfield  
Garfield Zoning Board of Adjustment  
Regular Meeting, January 30, 2023

In the matter of:  
Public Hearings, Public Comment  
January 23, 2023

Commencing at 7:30pm

**The Garfield Zoning Board of Adjustment:**

Carmin C. Breonte- Chairman  
Arlene Patire- Vice- Chairwoman  
Carmin V. Breonte  
John Easom  
Paul Houllis- **Absent**  
Kathy Rozmus  
Salvatore Lamendola- absent  
Francisco Sanchez- 1<sup>st</sup> Alternate- **Absent**  
Tony Lio- 2<sup>nd</sup> Alternate  
Alban Gaba- 3<sup>rd</sup> Alternate  
Daniel Rigoglioso- 4<sup>th</sup> Alternate- **Absent**

**Appearance:**

Wilfredo Ortiz, ESQ., Attorney to the Board  
Kim Furbacher, Certified Court Reporter  
Norberto Hernandez, Neglia Engineering

Reported by Jacqueline Anello, Secretary  
January 30, 2023 (Work Session) 7:00pm  
Board members reviewed submitted plans for the evening's agenda

GARFIELD ZONING BOARD MEETING CALLED TO ORDER: 7:30PM

(Flag Salute)

SUNSHINE LAW: Read by Chairman Carmin C. Breonte PUBLIC LAW 1975 CHAPTER 231  
"OPEN September 23, 2019, Council Chambers, City Hall Commencing at 7:30pm.

**163 Belmont Avenue (Lily Extracts LLC)**

The applicant proposed to convert the interior of an existing warehouse structure into a Class 2 Cannabis Manufacturing Microbusiness

**Aaron Brotman**

**Cole Schotz**

**Attorney for the applicant**

- LM Zoning district
- Looking to take over about 4,000 SF of the building to put a Class 2 Cannabis Manufacturer

**Richard Giglio**  
**197 Glenwood Drive**  
**North Haledon, NJ**  
**Applicant & Owner of Lily Extracts LLC**  
**Sworn in by Beth Calderone**

- Class 2 Cannabis Manufacturer business. They extract the oil from the marijuana
- Microbusiness
- Located in an impact zone
- No marijuana arrest record
- 10 employees maximum by law. They will only have four (4) due to the technology that they will be bringing in
- They buy the plant from the Class 1 and refine the oil. They put it in the drinks, gummies, chocolate, vapes, etc.
- Business to business sales. They will not be face to face with customers.
- They will know when products are coming in and when they are going out
- There is a garage space, by law they need to be informed 15 minutes prior to the delivery and they open the garage door get the delivery and close the garage door
- There will be access control on all the doors, only employees will have access
- When they get a delivery, they log it into the system immediately and the state is informed immediately. If there is a problem with the delivery, they need to inform the state right away.
- They will deal with businesses only no face-to-face customers.
- They will do everything: make the product and package it
- After the plant is grown, it is put into a freezer and then from the freezer it is put into a cooler and brought to their facility and they will put it into a freezer.
- They will not be dealing with cash on hand, everything will be either check or ACH payments.
- They will have steel bars on all the windows and will have an alarm system.
- **John Easom** asked if they are making a product that will be sold to retailer stores.
  - o **Richard Giglio** stated that they will do the completed product
- They need to send their product to the state for someone to test, then once it is approved, they are allowed to send it to the retailer
- If they order 1,000 pounds from the cultivator, the cultivator weighs it and if it is 1,001 pounds, they need to document that, if they get it and the product is less they need to report it to the state. There are measures in place to ensure that measures are coming and going.
- **John Easom** asked about any armored security because once that finished product is complete that is worth money
  - o **Richard Giglio** stated that the drivers will pull into the garage the door will shut, the truck will be loaded, the door will open then the truck leaves. The drivers are just not regular drivers they need to be approved by the state
- **Arlene Patire** asked what type of chemical is used, where does the waste go to? If someone gets a hold of the trash, can they use it
  - o **Richard Giglio** state they are using Cold Water Hash, the oil they are interested in is on the outside of the plant, there is a little on the edge of each branch. When they are picked, they are frozen. Once they receive the shipment, they use ice and water as an agitator where they dump the supply in and it agitates, what that does is the branches are brittle and broken off. There is a 66-gallon bin and once they are done with the process it is filtered, the plant matter and trash stay in one but the oil goes into another. Once they are done with the process, there is still

going to be a little bit of oil. There is a method of throwing it out. They take it out on regular trash day. If someone gets ahold of the trash, they cannot use it.

- **Tony Lio** asked what type of odor will there be?
  - o **Richard Giglio** stated that nobody will know what they are doing because there will be no odor. The main odor will be in the freezer which is sealed. The extraction room is also sealed. They will have carbon filters in the extraction room.
- **John Easom** stated that everyone is going to know that they are operating out of there. Where does the water go after it is used? Are you regulated by NJDEP?
  - o **Richard Giglio** stated there are floor drains, by the time they are done with the process, it is going to still be purified water back into the sewer system. Only the final product is going to be tested. The equipment that they are buying has been used by others since 2012. He is bringing in a partner from Colorado who has been doing these many times.
- He stated that there will be no signage on the outside of the building

**Gary Pappozzi** asked how many deliveries there will be per day/week. Will there be a generator on site in case the power goes out.

- **Richard Giglio** stated that maybe no more than three (3) vans per day. The times will all be coordinated. They will hire a company that can maybe handle all five (5) of their dispensaries that way they can just have one truck make all deliveries instead of multiple. They can put a generator in, they did not think of needing that.

**Arlene Patire** asked how big is the garage that the trucks are going into

- **Richard Giglio** stated that they will be box trucks and sprinter vans for deliveries and pick ups

**Richard Giglio** stated that there are two points of entry, one goes into the utility room, and one goes into another area. There is a common entrance where there are stairs that goes up. Those doors are always locked they are for emergency egress.

**John Easom** stated that his concern is if there will be armed security for when the deliveries go out because if someone is targeting this place they will want to go after the delivery trucks.

- **Richard Giglio** stated that the delivery drivers and companies need to be approved by the state

**Carmin C. Breonte** asked the hours of operation

- **Richard Giglio** stated they will be **9am to 4pm five (5) days a week**

**John Easom** asked if they will be tied in with the Garfield Police Department

- **Richard Giglio** stated that they will have 180 days back up on all the cameras. They need to give the state access to all the cameras because the state can check in at any time. They can give the Garfield Police access to the outside cameras if requested.

**Carmin C. Breonte** asked if the power goes out, will the odor come out because the freezer is not working.

- **Richard Giglio** stated that the product is in the sealed freezer so there will be no odor.

**John Easom** asked where the product is coming from

- **Richard Giglio** stated that by law it has to come from New Jersey only

**Arlene Patire** asked if at any time they can turn to a dispensary.

- **Richard Giglio** stated that they are only allowed to be a manufacturer, they can only extract the oil and turn the oil into edibles. Their license is only as a manufacturer

**John Easom** asked if he can sell the oil to a dispensary

- **Richard Giglio** stated that they cannot sell the oil to a dispensary

**Carmin C. Breonte** opened the public session for questions for the owner

**Carlos Ramirez**

**Sworn in by Wilfredo Ortiz**

- His biggest concern is about the trucks being robbed or the facility itself. Cameras don't really help. His other concern is smell; he has little kids.
  - o **Carmin C. Breonte** stated that they are not going to be smoking it inside.

**Annette Tomaszkowicz**

**155 Belmont Ave, Garfield**

**Sworn in by Wilfredo Ortiz**

- Who checks the final product? How are they going to prevent the flood?
  - o **Aaron Botman** stated that the state will test the product and ensure that it is approved

**Rosemarie**

**58 Chestnut Street**

**Sworn in by Wilfredo Ortiz**

- She just received the notice today. She feels that this should not be in a residential area

**Barbara Driapla**

**9 Spring Street**

**Sworn in by Wilfredo Ortiz**

- She is very concerned because she is directly across from the building. There is always a problem with the parking. It is noisy all the time. The trucks going back and forth is too noisy. Her husband works at night and sleeps during the day. There is a problem with the water there. Her other concern is that it is in a residential area.

**Gary Pappozzi** stated that this is in an LM Zone which is light manufacturing zone

### **Public Session Closed**

**Steven Coppa**

**Coppa Montelbano Architects**

**Architect**

**Sworn in by Wilfredo Ortiz**

- Existing industrial building
- **Site Plan SP-101**: zoning chart and the existing building. His client is subleasing a portion of the building. All the renovations will be done inside. All the sanitary, storm, etc. is existing and nothing new will be placed.
- The lot is on the corner of Spring Street and Belmont Avenue.
- The building will stay as is and is an existing facility
- There is no parking on site

- **Site Plan A-100:** floor plan of proposed use. They will be utilizing 4,000 SF. There is an overhead existing door which will be improved, they will come into facility the door will be closed. There will be loading and offloading directly into the building. There is no smoke or fumes it is an organic process.
- It seemed before it was more of a heavier industrial use
- They can put the generator on the roof so that it is not an objection to the neighbors.
  - o **Gary Paporozzi** stated that they can also possibly put it on the side where the railroad tracks are.
  - o **Aaron Brotman** stated that they will ask for the setback variance that way if it is approved and the building official states that he would want the generator by the railroad tracks instead of on the roof they already have the variance approval.

**Gary Paporozzi** stated that on the zoning chart it says both sides, there are not both sides it should say two fronts.

**Thomas Scangerelo**

**Moorestown, NJ**

**Planner**

**Sworn in by Wilfredo Ortiz**

- This is in a light manufacturing zone
- Reviewed the negative and positive criteria to the variances requested

**Gary Paporozzi** stated he did the same research as Neglia and it is in the state statute that is is withing 500 feet from a park or public housing. The state has a drug free school zone, this includes municipal property and parks. He spoke to the board attorney and the applicant's attorney it will be included as a D3 variance.

**Aaron Brotman** stated that they will request a setback variance for the side by the railroad tracks in the case they need to put the generator there.

**Carmin C. Breonte** asked Norberto Hernandez if he looked up on the air filtration they will be using onsite.

- **Norberto Hernandez** stated that they would like an odor control plan on the standard porcedures, maintenance schedule.
  - o **Aaron Brotman** stated they will provide that

**Arlene Patire** asked about the generator

- **Aaron Brotman** stated they included it into the variances on the train side

**Gary Paporozzi** stated that Mr. Coppas plan will need to be revised as well as a revised zoning chart.

**Carmin V. Breonte** asked where the system for the carbon goes. Filter life?

- **Richard Giglio** stated that inside the process room will be three or four carbon filters, on top of the exhaust fans there will be another carbon filter, so it has to go through the carbon filter and then out. Their air conditioning unit needs to be changed monthly, so they will probably change the carbon filters every month as well or every two months.

**Carmin C. Breonte** stated if the board is approved, the plan needs to be approved by our board Engineer.

**John Easom** asked if they are licensed by the state and how often is it renewed.

- **Richard Giglio** stated they are licensed, and it is renewed every year and will be inspected by the state.

**Carmin V. Breonte** asked where they weigh everything

- **Richard Giglio** stated the area where the scale will be.

**Carmin C. Breonte** stated that if the board looked favorably, they would really like all the deliveries and pick-ups on Belmont Avenue and not Spring Street.

### **Open to the public**

**Rosemarie Perone**  
**58 Chestnut Street**

- Asked if she can make a petition against the application.
  - o **Wilfredo Ortiz** stated that she consults with an attorney

**Annette**

- Asked why he chose Belmont

**Carlos Ramirez**

Why is there an appeal? How does he know that everyone received a notice. Will the generator run at night?

- **Aaron Brotman** stated that it is an appeal from the construction official.
- **Arlene Patire** stated that the tax accessor gives the applicant's attorney the list of everyone in a 200-foot radius.
- **Gary Paparozzi** stated that the generator would kick on whenever the power goes out

**Larry Kaphan**

**Owner of the building**

**Sworn in by Wilfredo Ortiz**

- The power does not go out very often, the business that he operates is Monday-Friday, when the power goes out during the day it is maybe 10-15 minutes. As far as a generator goes, a battery backup system may be better.

### **Public session closed**

**Carmin V. Breonte** stated that if they are sealed, how long will they hold temperature

- **Richard Giglio** stated that the freezer remains locked unless they need to get into it. They order their product to use the product immediately. They will not be sitting on the product for days.

### **5-minute recess**

**Roll Call**

**Kathy Rozmus- Here**

**Salvatore Lamendola- here**

**Tony Lio- Here**

**John Easom- Here**

**Carmin V. Breonte- Here**

**Arlene Patire- Here**

**Carmin C. Breonte- Here**  
**Alban Gaba- Here**

**Motion to Approve the application- Tony Lio-** he believes it is a well contained process business to business, as far as security there is a chain of custody from beginning to end. There are alarms, cameras, bars, they said they would even connect to the police department. There are no chemicals. The generator is a great idea. He did some research and the turpins is what causes the smell and at that state it is frozen and contained in a container that whole process when they extract the oil there is nothing to get high off. There is not going to be a smell. As far as the residents in respect the applicant and professionals did a great job explaining everything. All notification requirements were met and with all conditions.

**Second-** Carmin V. Breonte

Kathy Rozmus- Aye

Salvatore Lamendola- Aye

Tony Lio- Aye

John Eaosm- Aye- given stipulations, they stay small and lowkey. Keep noise compliant and

Carmin V. Breonte- Aye

Arlene Patire- Aye- abiding by all conditions and stipulations.

Carmin C. Breonte- Aye- his big concerns were noise and odor. He feels our engineer will go over the specs and keep the odor and noise under control.

**\*Application Approved\***

**Wilfredo Ortiz reviewed the Stipulations/Conditions:**

- Limited to four (4) employees only
- No signage
- Generator if installed to be shown on the plan
- Hours of operation no later than 4pm.
- Access to cameras by Garfield Police Department
- No fans running overnight
- Fans to be approved by Neglia Engineering
- Revision to zoning chart
- Revise architect plan

**Motion to adjourn meeting- arlene patire**

**Second- tony lio**

**All in favor- aye**