

**TOWN OF SECAUCUS
PLANNING BOARD - May 21, 2024
MEETING TO COMMENCE 7:00 PM**

No person shall rely on this sheet because scheduled items may be deleted and new items may be added, and Planning Board Members may raise issues during the meeting and take action with respect to the same which are not listed herein.

1. MEETING CALLED TO ORDER
2. PLEDGE OF ALLEGIANCE
3. OPEN PUBLIC MEETINGS ACT
4. ROLL CALL
5. APPLICATION

a. An Ordinance of the Town of Secaucus

An ordinance amending Chapter 135 "Zoning" of the Code of The Town of Secaucus to update the Cannabis Provisions.

6. RESOLUTIONS:

a. 140 Weigands Lane LLC in the Town of Secaucus

A Resolution approving subdivision for 140 Weigands Lane, Secaucus New Jersey and approval of variances to permit two 2-family dwellings, one on each newly approved non-conforming lot.

ADJOURNMENT

AN ORDINANCE OF
THE TOWN OF SECAUCUS, NEW JERSEY

ORDINANCE NO. 2024-9

AN ORDINANCE AMENDING CHAPTER 135 "ZONING" OF THE CODE OF
THE TOWN OF SECAUCUS TO UPDATE THE CANNABIS PROVISIONS

WHEREAS, the Town of Secaucus has established a Zoning Ordinance pursuant to the Municipal Land Use Law designed to regulate buildings and uses; and

WHEREAS, the Mayor and Council have determined that changes, recommended by the Zoning Official, are needed to update the provisions of Chapter 135 related to Cannabis.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council for the Town of Secaucus, County of Hudson, State of New Jersey, as follows:

1. The following sections and provisions of Chapter 135 of the Code of the Town of Secaucus, "Zoning" be, and are hereby amended and supplemented to read as follows: (deletions are indicated by ~~crossouts~~; additions are indicated in bold):

G.

Cannabis establishments.

(1)

Definitions.

CANNABIS ESTABLISHMENTS

Cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, a cannabis delivery service, except for the delivery of cannabis items and related supplies by a delivery service, as those items are defined in N.J.S.A. 24:6L-33, are hereby prohibited in all districts, except as otherwise specifically permitted herein. The number of cannabis establishments shall be limited to two within the Town of Secaucus at any point in time.

(2)

Cannabis establishments, as defined above, shall be permitted as a conditional use/special exception in the Light Industrial A Zone and the Commercial Park Zone, as defined in the regulations of the New Jersey Sports and Exposition Authority, N.J.A.C. 19:4-5.74, subject to the requirements set forth herein.

(3)

The following specifications and standards shall apply to the development of cannabis establishments including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a

cannabis retailer, and a cannabis delivery service, as those terms are defined in N.J.S.A. 24:6I-33, within the Light Industrial A Zone and the Commercial Park Zone, as defined in the regulations of the New Jersey Sports and Exposition Authority, N.J.A.C. 19:4-5.74, as a conditional use/special exception use:

(a)

Dimensional, Density and Other Bulk Restrictions. Except as specifically modified herein, dimensional, density and other bulk restrictions and other provisions and requirements of the Light Industrial A Zone and Commercial Park Zone shall apply;

(b)

Location. Cannabis establishments shall only be permitted within the following lots and blocks within the Light Industrial A Zone: Block 10, Lots 1, 2, 3, and 4.01, Block 9, Lots 5, 6.03, and 7, and Block 19, Lots 3, 4, 5, 6.01 and 8 and within the following lots and blocks within the Commercial Park Zone: Block 117, Lots 2 and 3 and Block 118, Lots 2, 3, 4, and 5. No cannabis establishment shall be permitted unless the establishment is more than 1,000 feet away from any public or private educational institution (including elementary, high school and/or college level), day care center, public library, house of worship or any recovery and/or drug treatment facility;

2. This Ordinance shall be subject to review and recommendation by the Town Planning Board in accordance with N.J.S.A. 40:55D-26.
3. The County Planning Board shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10.
4. There are no other changes to this Chapter of the Code of the Town of Secaucus.
5. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
6. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.
7. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

IT IS FURTHER ORDAINED, that the remainder of this Chapter and the Code of the Town of Secaucus shall remain in full force and effect.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of an ordinance introduced and passed on first reading on March 26, 2024 and finally adopted by the Mayor and Council on April 23, 2024.

Town Clerk

Mayor

Introduction 3-26-24

Motion:	Yes	No	Abstain	Absent
RC				
Second: JG				
Councilman Costantino	✓			
Councilman McKeever		✓		
Councilman Clancy		✓		
Councilman Dehnert	✓			
Councilman Gerbasio	✓	✓		
Councilwoman Tringali	✓			
Mayor Gonnelli	✓			

Adoption 4-23-24

Motion:	Yes	No	Abstain	Absent
Second:				
Councilman Costantino				
Councilman McKeever				
Councilman Clancy				
Councilman Dehnert				
Councilman Gerbasio				
Councilwoman Tringali				
Mayor Gonnelli				

Chasan File 11856-0100
Prepared by: Kyle A. Porro, Esq.
Chasan Lamparello Mallon & Cappuzzo, PC
300 Lighting Way Suite 200
Secaucus, NJ 07094

APPLICANT: 140 WEIGANDS LANE LLC
140 Weigands Lane
Secaucus, New Jersey
Block 41, Lot 1

**RESOLUTION BY THE PLANNING BOARD OF THE TOWN OF
SECAUCUS, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING
APPLICANT'S SUBDIVISION APPLICATION WITH RELATED VARIANCES AND
WAIVERS SO AS TO PERMIT TWO, 2-FAMILY DWELLINGS: WITH ONE DUPLEX
BUILDING OCCUPYING EACH OF THE RESPECTIVE NON-CONFORMING
PARCELS PURSUANT TO NJSA 40:55D-37, NJSA 40:55D-47, NJSA 40:55D-51, & NJSA
40:55D-67A**

HEARING DATES: Tuesday, March 19, 2024
MEMORIALIZED: Tuesday, May 21, 2024

WHEREAS, an application has been submitted and presented to the Secaucus Planning Board (hereinafter the "Planning Board") by **140 WEIGANDS LANE LLC** (hereinafter the "Applicant"), for Subdivision approval with related variances and/or waivers, so as to permit two 2-family dwellings, one on each of the newly formed non-conforming parcels located at 140 Weigands Lane, Secaucus, New Jersey also identified on the Town of Secaucus Tax Map as Block 41, Lots 1.01 and 1.02 (hereinafter "Property"); and

WHEREAS, the Property is located in an LDR (Low Density Residential) Zone; and

WHEREAS, Applicant was represented by Tomas Paneque, Esq., 831 Sip St, Union City, NJ 07087; and

WHEREAS, the Board, at its March 19, 2024 meeting, reviewed Applicant's submittal and at which time proper public notice was deemed as to the property owners within two hundred (200) feet therefrom and publication in the official newspaper of the Municipality, at least ten (10) days preceding the date of hearing; and

WHEREAS, the application for Subdivision with related variance/waiver zoning relief was heard at the Board's March 19, 2024 meeting; and

WHEREAS, in connection within Applicant's Subdivision with related deviation variances and/or waivers application, applicant's submittal was deemed complete based upon the representations of applicant; and

WHEREAS, testimony was received at the March 19, 2024 hearing from the following;

1. Applicant's architect, Enkela Malellari, AIA (License #20453), who was sworn in and accepted as an expert in architecture; and acknowledged her New Jersey architecture license was in good standing; and
2. Applicant was present, but did not testify; and

WHEREAS, the Applicant submitted the following documents in support of its application:

- a. Applicant's submittal including, but not limited to, applicant's application, Secaucus construction official's denial letter, the public notice, tax payment certification, and the applicable list of property owners within 200 feet of the property along with newspaper notice; and
- b. Architectural plans under Paul Giammona, AIA (through Ms. Malellari, AIA) seal dated November 10, 2023 and marked as A-1 (Architectural plans pages A-00.00 through A-02.00 prepared by Paul Giammona, AIA dated November 10, 2023); and

WHEREAS, Enkela Malellari, AIA, of Paul Giammona Architect office, testified at the hearing to, but not limited to, the proposed development elements, her observations of the adjacent parcels to the property in question, the residential neighborhood character as a whole, and zoning issues at hand; and

WHEREAS, Enkela Malellari, AIA further described the positive and negative criteria applicable facts at hand for the variances/waivers at hand, such as, but not limited to, the permitted uses at hand; conformity with neighborhood; utility of the site and the highest & best use of property; and

PUBLIC COMMENT

WHEREAS, this matter was opened to public, and whereas no public inquiries or comments were made; and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Roselle that the following facts are made and determined:

FINDINGS OF FACT

1. The Property is located at 140 Weigands Lane, Secaucus, New Jersey, Block 41, Lot 1 in the LDR Zone of the Town of Secaucus.
2. The Applicant is the owner of the subject Property and has standing to bring this matter before the Board.
3. The Applicant provided proper 200 feet property owner mailings and published newspaper notice of the hearing, and jurisdiction was found proper before the Board.
4. The Applicant seeks Subdivision approval for permitted use residential dwellings with related variance/waiver relief to construct two 2-family dwellings upon the parcel which presently comprises Block 41, Lot 1 (4 residential dwelling units).
5. The Applicant, through the testimony of his architect, required the following variances and waivers
 - A. Deviation for Minimum Lot Area. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to contain at least 7,500 square feet. Lot 1.01 is only 4,770 square feet and Lot 1.02 is only 5,857 square feet.
 - B. Deviation from Minimum Lot Width. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to have a width of at least 75 feet. Lot 1.01 is only 50.41 feet and Lot 1.02 is only 73.14 feet.
 - C. Deviation from Minimum Lot Depth. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to have a depth of at least 100 feet. Lot 1.01 is only 95 feet and Lot 1.02 is only 95 feet.
 - D. Deviation for Minimum Front Yard. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to have a front yard setback

of at least twenty-five (25) feet. Lot 1.01 has a front yard of 21 feet 2 inches, and Lot 1.02 has a front yard of only 21 feet 2 inches.

- E. Deviation for Minimum Side Yard. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to have a side yard setback of at least ten (10) feet. Applicant seeks a variance to allow a side yard setback of 5 feet for Lot 1.01 and 7 feet 6 inches & 7 feet 3 inches for Lot 1.02.
- F. Deviation for Maximum Building Coverage. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to be no more than 30% of the lot's surface area. Applicant seeks variances for Lot 1.01 to cover 40.9% and Lot 1.02 to cover 47.65% of the surface area.
- G. Deviation for Maximum Lot Coverage. The existing ordinance requires two-family dwellings in the Residential Sub-Zone to occupy 30% percent of the lot's surface area. Applicant seeks variances for Lot 1.01 to cover 58.51% and Lot 1.02 to cover 47.65% of the surface area.

6. The Applicant's architect, Enkela Malellari, AIA, as previously noted herein, testified as to the site layout for the proposed two 2-family dwellings, both as it presently exists and as it would be affected by the proposed activities of the Applicant. Ms. Malellari in addition explained the variances/waivers which would be required. Ms. Malellari explained that the positive impact and conformity to the neighborhood, property shape, & site physical constraint features and that the project would not cause substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinances in question.

7. The Board acknowledged the residential units in question were permitted uses and the benefit of residential housing within the Town of Secaucus, as well as compliance with the Town's overall Master Plan goals.

BE IT FURTHER RESOLVED by the Planning Board of the Town of Secaucus that based upon the above Findings of Fact, that the following Conclusions of Law are hereby made and determined.

CONCLUSIONS OF LAW

1. The Board has considered the herein subdivision application with related variances and waiver(s) relief and are proper and a permitted use.

2. The Board concluded that the relief pertaining to the variance deviations and waivers sought can be granted without substantial detriment to enforcement of the existing ordinances of the Town of Secaucus, and does not cause substantial detriment to the public good or further violate the Borough's Master Plan goals.

3. The Board found that the parcel upon which the Applicant's project is contemplated is sufficiently sized for the proposed residential dwellings along with proposed variances/waivers.

4. The Board found that the proposed lot size is compatible with the character of the area in which the Property is located, and the approval of the variance deviations and waiver(s) will not change the character of the neighborhood.

5. The Board further finds that the Applicant has met its burden of demonstrating that the variance deviations and waiver(s) can be granted without substantial detriment to the public health, safety, welfare and good.

6. As the Application's subdivision and variance deviations and waiver(s) requires an affirmative five (5) votes to approve the application under the Municipal Land Use Act (MLUA), which was unanimously obtained.

7. The Board further found that the variance deviations and waiver(s) relief requested by the Applicant meets the positive and negative criteria required for same.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Town of Secaucus, hereby for the foregoing reasons as well as those stated on the record by the Board members, which are incorporated herein by reference, approves the within application for Subdivision with related variance deviations and waiver(s) for the property located at 140 Weigands Lane, Secaucus, New Jersey, identified on the Secaucus Tax Map as Block 41, Lot 1 is hereby approved subject to the following:

1. Construction pursuant to the approved plans (Exhibit "A-1").
2. The new homes shall not be constructed as "mirror" homes. The respective homes shall be constructed with different front facades and different window layouts, so as to clearly distinguish the home identity for public health, safety, and welfare.

3. The applicant is subject to additional reasonable site conditions, as per the Town of Secaucus Construction Department, for public health, safety, and welfare as per the New Jersey building codes.
4. Applicant recognizes that his subdivision plot plan must be filed with Hudson County, as per the NJSA rules & regulations, with 190 days from the resolution memorialization.
5. Applicant shall provide the Secaucus Construction Department the respective 2 parcels "as built" plan prior to the issuance of the buildings certificate of occupancy(s).
6. Applicant shall send a copy of this resolution to the Secaucus Tax Assessor
7. The Board shall retain jurisdiction as to any interpretation or clarification of this approving Resolution to extent permitted by law.

The undersigned, Secretary of the Town of Secaucus Planning Board, hereby certifies that the above is a true copy of a resolution duly approved by said Board on March 19, 2024 and memorialized on May 21, 2024.

Maryam Eldesouki, Secretary
Town of Secaucus Planning Board

Approval Motion Hearing: March 19, 2024

Motioned by:

Seconded by:

Ayes: 7 affirmances

Nays: none

Abstentions: none

Approval Motion Memorialization: May 21, 2024

Motioned by:

Seconded by:

Ayes:

Nays:

Abstentions: