



MEMO TO: North Brunswick Township Planning Board

FROM: James C. Watson, P.E., PTOE *JCW*
Township Planning Board Engineer's Office

DATE: March 1, 2023

SUBJECT: **Conditional Use Application and Site Plan Waiver for
Garden State Botanicals, LLC
Review No. 1
Block 140.01, Lot 10.01
1345-1471 US Route 1
Township of North Brunswick, Middlesex County, NJ
Application Number: 2655
Our File No.: PNOP0140.25**

Pursuant to our authorization, we have reviewed the above referenced Conditional Use Application and Site Plan Waiver for Block 140.01, Lot 10.01 located on 1345-1471 US Route 1 within North Brunswick Township. The following information has been submitted to this office for review:

- A. Zoning Officer's Memorandum, dated January 4, 2023, consisting of four (4) pages;
- B. Certification of Complete Application, dated April 13, 2022, consisting of two (2) pages;
- C. Zoning Board Resolution dated October 18, 2022, consisting of thirteen (13) pages;
- D. Various Township Application Forms and Documents;
- E. Various Applicant Cover Letters and General Correspondence.

I. GENERAL DESCRIPTION

The subject property identified as Block 140.01, Lot 10.01, on the Township Tax Maps, is an existing 2,400 sf retail unit located within an existing shopping center building along southbound US Route 1 between North Oaks Boulevard and Livingston Avenue in the Township of North Brunswick, NJ. The Applicant's Engineer proposes to convert the retail use into an Alternative Treatment Center (ATC) with a retail component for the purpose of dispensing medicinal marijuana, i.e., a Medical Cannabis Dispensary. Municipal Ordinance 205-92.11 E. permits cannabis retail as a conditional use in the Cannabis Route 1 Corridor Overlay Zone, however an Alternative Treatment Center is not permitted in the zone. The Applicant's Engineer received Use



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Variance approval from the Zoning Board of Adjustment for the Alternative Treatment Center use on October 18, 2022. The Applicant's Engineer is requesting Conditional Use approval for the retail component.

The Applicant proposes no site improvements and requests a waiver from the requirement to provide a site plan to the Planning Board. The Applicant is requesting the Board to acknowledge that the condition of the property, which previously received a site plan with bulk variances approval, is satisfactory for the proposed use.

II. COMMENTS

1. In accordance with Municipal Code Section 205-111 (B), all applications for conditional uses shall require site plan approval. The Applicant should provide testimony which supports the site plan waiver request.
2. In accordance with Municipal Code Section 205-111 (A) (2) (d), the design, arrangement and nature of the particular uses is such that the public health, safety and welfare will be protected and reasonable consideration afforded to the potential congestion of vehicular traffic or creation of undue hazard. The Applicant should provide testimony which addresses this stipulation and guiding principle relative to the site and anticipated traffic conditions.
3. With regard to Municipal Code Section 205-92.11 (E) Conditional Use Standards for a Cannabis Retailer and Cannabis Delivery Service Establishments in the Cannabis Route 1 Corridor Overlay Zone:
 - A. The Applicant should provide testimony relative to the proposed hours of operation, which are limited to 9:00 AM to 9:00 PM for a Class 5 cannabis retailer and Class 6 cannabis delivery licenses.
 - B. The Applicant should provide testimony relative to the proposed location and the location limitations for Class 5 cannabis retail and Class 6 delivery cannabis establishments which are not permitted within 500 feet of any existing Class 5 retail and Class 6 delivery cannabis establishments, with the exception of those owned and operated by the same entity, or any primary or secondary educational institution, house of worship, or park or playground. The distance shall be measured in the same manner as that required by statute for measuring of distances between licensed retail sale of alcoholic premises, schools and churches.



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We reserve the right to present additional comments pending the Testimony of the Applicant before the Board and the receipt of new or revised reports and/or plans.

III. RECOMMENDED CONDITIONS OF APPROVAL, FAIR SHARE CONTRIBUTIONS, IF ANY, AND PERFORMANCE GUARANTEES

Any approval by the Board should be conditioned upon the submission of revised Engineer's Reports and Plans in accordance with the above comments, proof of approval or waivers from all other agencies having jurisdiction, the construction of off-tract improvements if deemed necessary, the payment of outstanding escrow fees and the Applicant's Engineer providing an estimate for the cost of improvements, in order that performance guarantees and inspection fees can be calculated if deemed necessary.

Should you have any questions concerning this matter, please do not hesitate to contact this office.

JCW/KEC

cc: Planning Board Members
Planning Board Attorney
Applicant
Applicant's Engineer
Applicant's Attorney