



TOWNSHIP OF NORTH BRUNSWICK
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DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Rosalind Westlake, Esq.
243 North Union Street, Suite 205
Lambertville, NJ 08530

FROM: Sal Profaci, Zoning Officer

DATE: January 4, 2023

SUBJECT: Block: 140.01 Lots: 10.01
Street Address: 1345-1471 Route 1
Applicant: Garden State Botanicals, LLC

Dear Ms. Westlake:

I have reviewed the application for a conditional use at the above-referenced address, and I am issuing the following report.

The following application materials were reviewed:

- Zoning Board Resolution dated October 18th 2022
- Cannabis Regulatory Commission Resolution 2022-22 dated May 24th 2022
- Lease exhibit A showing the subject property
- Floor Plan Options 1, 2 & 3

Administrative

1. The applicant proposes to convert an existing 2,400 sq. ft. retail unit located within an existing shopping center building into an alternative treatment center 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. The proposed alternative care facility is located second from the northerly end. (see Exhibit A). The floor plan provided depicts a vault area, office area, lounge area, sales floor and vestibule. The applicant does not propose any associated site improvements.

2. Retail sales and an alternative treatment center constitute a dual use, where the retail component is a conditionally permitted use, while the alternative treatment center component is not permitted in the Cannabis Route 1 Corridor (CAN-R1C) Overlay Zone. The planning board shall have jurisdiction to approve conditional uses.
3. Garden State Botanicals received use variance approval from the Zoning Board of Adjustment for the use of the existing shopping center for the operation of an Alternative Treatment Center (ATC) in accordance with the Resolution of Approval dated October 18th 2022. An ATC is automatically licensed to also operate a Class 5 adult-use cannabis retail facility upon the opening of its doors as an Alternative Treatment Center.

The applicant is requesting conditional use approval in accordance with the Cannabis Regulatory Commission and subject to the terms and conditions of the Resolution of approval from the Zoning Board.

Technical & Conditional Uses and Standards

1. 205-111 Conditional Uses Require Site Plan: The applicant proposes no site improvements and requests a site plan waiver. By seeking a site plan waiver, the applicant requests 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.
2. 205-111 (A). The Planning Board shall have jurisdiction and power to approve conditional uses, under the terms and conditions established by this chapter under the following stipulations and guiding principles:
 - (1) The use for which this application is being made is specifically authorized as a conditional use in the Article of this chapter for the zoning district in which it is located.
 - (2) 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:
 - (a) Character of the neighborhood and zone.
 - (b) Conservation of property values.
 - (c) Health and safety of residents or worker on adjacent properties and in the surrounding neighborhood.
 - (d) Potential congestion of vehicular traffic or creation of undue hazard.
 - (e) Principles and objectives of this chapter and the Master Plan of the Township of North Brunswick.

3. 205-92.11 (E). Conditional Use Standards for a Cannabis Retailer and Cannabis Delivery Service Establishments in the Cannabis Route 1 Corridor Overlay Zone; The only conditional uses standards pertaining to this use have to do with hours of operation and proximity to certain types of establishments.

(1) **Hours of operation.** Hours of operation for Class 5 cannabis retailer and class 6 cannabis delivery license shall be limited to 9:00 a.m. to 9:00 p.m.

(2) **Limitation on location.** Class 5 retail and class 6 delivery cannabis establishments shall not be 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.

1. Fees and Escrow Deposits (§ 205-139):

The applicant must remit the following application fees and technical review escrow deposits in order for a completeness certification to be issued.

A. Land Use Application Fees:

Site Plan Waiver Request:	\$200.00
Conditional Use:	\$550.00
Zoning Report:	<u>\$200.00</u>

TOTAL: \$950.00

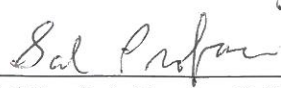
B. Technical Review Escrow Deposit:

Site Plan Waiver Request:	\$500.00
Conditional Use:	<u>\$2,000.00</u>

TOTAL: \$2,500.00

Please remit two separate checks in the above total amounts and submit the identified above items. Upon receipt and review of the requested materials, you will be notified regarding the status of your application with respect to a Board hearing, for which proper notification will be required. If you have any questions, you may contact Janice Larkin, Secretary to the Planning Board, at 732-247-0922, extension 201.

Sincerely,



Sal Profaci, Zoning Officer

c: Mayor and Council
Michael Hritz, Director of Community Development
Tom Vigna, Planner
Planning Board