

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2022-10**

WHEREAS Loud Labs NJ, LLC has applied to the Planning Board of the Borough of Woodbury Heights for preliminary and final site plan approval to establish a cannabis manufacturing facility permitted as a conditional use in the L1 Limited Industrial Zoning District; and

WHEREAS, the property in question is located on West Jersey Avenue, Block 35, Lots 3 & 4 in the LI Zone and also including Block 135.01, Lots 1 & 2 in the City of Woodbury; and

WHEREAS, the Borough of Woodbury Heights Planning Board has the right to exercise to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for Loud Labs NJ, LLC and a hearing having been held thereon and proper notices having been served on all surrounding property owners as required by Statute; and

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. Heather Kumer, Esquire appeared on behalf of the applicant. The applicant, a New Jersey Corporation, is seeking to establish a State Licensed cannabis manufacturing facility on a site which is already improved with a 2-story, 7,870 sq. ft. building.
2. The property is located in the L1 Zoning District where the use is permitted as a conditional use. Borough Ordinance Article VI Section 70-33G sets forth the 17 conditions which must be satisfied in order for the use to be permitted in the zone.
3. The building was most recently utilized as a print shop. The applicant is not proposing any structural changes to the building but only interior renovation. There will be improvements to the interior and exterior of the building as well as the site in order for the applicant to meet all conditional use standards and to be in compliance with all state regulations.

4. The following items were submitted as evidence and considered by the Board Professionals and Board Members as part of this application.

Site Plans dated August 19, 2022 and revised plans dated September 23, 2022

A Plan of Survey and Topography dated August 2, 2022

A Traffic Impact Statement

An Arial Photograph

A Noise Mitigation Plan

An Environmental Impact

A Safety and Security Plan

A Financial Impact Statement

A Zoning Table

A Review Letter of September 6, 2022 prepared by Planning Board Engineer, Mark R. Brunermer, P.E., C.M.E., the applicant's response of September 23, 2022 and Mr. Brunermer's revised letter of September 30, 2022

A Review Letter of September 15, 2022 prepared by the Planning Board Professional Planner, Tiffany A. Morrissey, PP, AICP, the applicant's response of September 23, 2022 and Ms. Morrissey's revised letter of October 3, 2022

The applicant's Electronic Presentation displayed at the hearing on October 3, 2022

5. The applicant presented the testimony of the applicant's Architect, John Descano, AIA, PP, and Cory Hill who presented testimony regarding operations of facilities already operated by the applicant in other states and the testimony of John Jacob Berry, the CEO and Principal of the applicant, Loud Labs NJ, LLC.

6. The operation will consist of manufacturing only and will not involve the growing of cannabis nor the dispensing of products to the public. Employees are the only individuals who will be permitted access to the site. No public access will be permitted and

no sales will be made on site. Cannabis will be delivered to the site and processed as part of the manufacturing of cannabis products which will then be distributed to locations where it may be dispensed. By-products will be disposed of as permitted and required by state regulations.

7. The applicant has made application to the State for a conditional license in anticipation of the applicant receiving an approval by this Board.

8. The applicant anticipates hiring approximately 12 employees at various levels. All employees will be screened as required by state regulations. Hours of operation will be from 7:00 a.m. to 6:00 p.m. but the facility will not be open to the public. Cannabis will be delivered to the site approximately 1 time per week. Approximately 4 times per year, there will be a tractor trailer delivery of other supplies. Only 1 or 2 delivery vehicles will be kept on site.

9. There are no variances required. The existing building complies with all bulk zoning requirements with the exception of side and front yard encroachments which are pre-existing and will not change as a result of this application. The trailer presently on the property will be removed. The trash enclosure will be relocated, if necessary, to meet the 10-foot setback, unless the Planning Board Engineer deems it more beneficial to be situated within a 10-foot setback, in which case the Board deems a variance to be appropriate. A design waiver will be required to allow a stone, rather than paved, parking area.

10. Based upon the testimony and documentation provided, the Board finds that the applicant will satisfy and be in compliance with all 17 conditions of the conditional use standards set forth in Borough Ordinance Article VI, Section 70-33G 1 through 17 upon satisfaction of all conditions of approval set forth herein.

11. One person from the public appeared and made comment during the public hearing. She resides in a residence adjacent to the applicant's property and raised concerns regarding fencing which will protect her privacy and security and the privacy and security of other adjacent residences. The applicant agreed to consult with her as well as other residents regarding fencing to be installed.

12. The application submitted by the applicants substantially complies with the requirements of the Borough of Woodbury Heights Ordinance. The request by the applicants can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough of Woodbury Heights Ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Loud Labs NJ, LLC for preliminary and final site plan approval to establish a cannabis manufacturing facility permitted as a

conditional use in the L1 Limited Industrial Zoning District is hereby granted subject to the following conditions:

1. The applicant shall obtain any other applicable governmental approvals which the applicant is required to obtain from any Federal, State, County or Local Governmental Agency or body.

2. All outstanding escrow and inspection fees/escrows shall be paid in full prior to the issuance of any building permits or a certificate of occupancy. The applicant will need to post the applicable bonding in accordance with the Borough and State regulations.

3. The applicant shall comply with and remain in compliance at all times with all state regulations applicable to a Class II Cannabis Facility.

4. Regarding Block 135.01, Lot 2, in the City of Woodbury which includes the concrete parking area, the applicant shall either obtain approval for use of the parking lot as part of their operation or provide written confirmation that an approval is not required.

5. Regarding Block 135.01, Lot 1, in the City of Woodbury and Block 35, Lot 4 in the Borough of Woodbury Heights, which encompasses the driveway entrance to the site, the applicant will either acquire a written access easement for review and approval by the Planning Board Engineer and Solicitor, or the applicant shall acquire ownership of the lots and consolidate them with the larger parcels with the deeds and legal descriptions to be submitted to the Planning Board Engineer and Solicitor for review and approval.

6. Deliveries will be through the garage door on the east side of the building. The tractor and trailer deliveries which occur 4 times per year, will be made by the tractor and trailer backing into the property. The applicant will station a traffic control individual or Woodbury Heights police officer on the street to allow traffic to safely pass while the delivery is being made.

7. A design waiver is granted from the requirement to pave the existing stone parking area. The existing stone will be removed and replaced with the details subject to review and approval by the Planning Board Engineer.

8. A trash enclosure and propane gas storage area will be situated to allow a truck to access the dumpsters while the truck is on site. If in consultation with the Planning Board Engineer it is determined that it will be most beneficial for the trash enclosure to be closer than 10 feet from the property line, then a variance is hereby granted for the setback. The detail regarding the trash enclosure must indicate whether the CMU

will be painted or textured block. The applicant must provide verification that the existing concrete pad will support the trash and recycling dumpsters and the proposed masonry walls. The dumpsters must have lids to comply with state regulations. All trash and recycling will be via private contractor arranged by the applicant.

9. Lighting for parking areas shall be increased for safety and lighting adjacent to residential lots shall be shielded.

10. The trailer presently on site will be removed, and any resulting drainage issues addressed and corrected to the satisfaction of the Planning Board Engineer.

11. The applicant has testified that the manufacturing process will not result in any odors detectable by adjoining property owners. Once manufacturing begins, the applicant will allow a follow up inspection by the building inspector or Planning Board Engineer. If required, the applicant will install carbon filters.

12. The applicant indicates that the maximum noise level will be 80 decibels inside the building which will not be detectable to adjoining residents. The site must operate in compliance with the New Jersey Noise Control Act.

13. The Safety and Security Plan is subject to review and approval by the Police Department and the applicant shall comply with any recommendations made.

14. Although the Borough Ordinance does not require a security guard if the facility is not open to the public, the applicant shall provide a security guard if required by the Police Department upon their review of the security plan.

15. The storage of propane gas shall be in compliance with all Fire Department and Fire subcode regulations.

16. Prior to commencing operations, the applicant shall arrange for an inspection and walk through of the facility with officials of the local Fire and Police Department. The applicant will provide training to the local Fire and Police Department to address any emergency calls and shall assure that there is coordination between the county and local fire officials in the event of an emergency call.

17. In addition to the evergreen trees shown on the revised plans, the applicant shall plant evergreen trees on the property line with Block 35, Lot 2. The applicant shall also provide planting details. The evergreen trees must be a minimum of 6' in height from the top of the root ball.

18. A 6' high chain link fence with barbwire will be installed along the entire perimeter of the property. A 6' high wooden or vinyl fence shall also be provided

along the property adjacent to residential uses to the north in consultation with the property owners. Prior to any interior or exterior construction on the site, the 6' high barbed wire fence and 6' high wood/vinyl fence shall be installed around the entire perimeter of the site.

19. Information provided by the applicant satisfies the requirement for a statement of compliance with Borough Ordinance Section 70-49.21. However, the applicant shall compile the information into one statement of conformance to be provided for review and approval by the Planning Board Engineer and Planner.

20. The applicant will submit updated plans addressing the conditions of this approval.

21. The applicant shall provide trash receptacle(s) to collect any of the employee trash outside the building for their employees use during breaks.

22. The applicant will continue to mow Block 135.01, Lot 3 (Woodbury city parcel).

ADOPTED at a regular meeting of the Borough of Woodbury Heights Planning Board on November 7, 2022.

**PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS**



BRUCE FARRELL, CHAIRMAN

ATTEST:



SHANNON ELTON, SECRETARY