

SUMMARY OF APPLICATION
BOROUGH OF WOODBURY HEIGHTS PLANNING/ZONING BOARD
SHIV PRASAD LLC
BLOCK 40, LOTS 3 & 11.01
30 ELM STREET

The applicant, Shiv Prasad LLC is the contract purchaser of real property located at 30 Elm Street, and designated as Block 40, Lots 3 and 11.01 on the municipal tax map. The property is currently improved with a vacant bank building and consists of approximately 0.5 acres. The applicant seeks minor site plan approval to convert the existing improvements into a 3,364 licensed retail cannabis facility, with associated site improvements. The applicant also seeks conditional use approval because the property is located in the Highway Commercial (HC) zoning district, where retail cannabis facilities are permitted as a conditional use. The applicant meets all conditions set forth in Ordinance 20-2022.

The applicant seeks the following bulk variance relief:

1. Section 70-14.E(2): To permit parking within the first 10 ft adjacent to any street line and 5 ft adjacent to any lot line, where a minimum of 10 ft to any street line and 5 ft to adjacent lot lines is required (existing, non-conforming condition);
2. Section 70-14.E(2): To permit paving within the first 10 ft adjacent to any street line and 5 ft adjacent to any lot line where plantings and maintained lawn area, ground cover or landscaped with evergreen shrubbery are required (existing, non-conforming condition);
3. Section 70-14.H(1): To permit a freestanding sign to be 0.50 ft from the right of way line where 10 ft is required; and
4. Section 70-14.H(1): To permit a freestanding sign to be 24 sf where 18.5 sf (5% of first floor frontage facade) is permitted.

The applicant also requests any additional variances, submission waivers, additional exceptions, design waivers, de minimis exceptions, modifications of conditions of prior approvals, continuation of any preexisting non-conforming conditions, other approvals reflected on the plans (as same may be further amended or revised from time to time without further notice) as may be determined to be necessary during the review and processing of the application by the Board and its professional staff, and permits requested or required by the Board at the public hearing.

The variances can be granted under both N.J.S.A. 40:55D-70(c)(1) (hardship) and (c)(2) (where a deviation from the zoning ordinance advances a purpose of zoning and the benefits of the deviation substantially outweigh the detriments). The parking and paving variances relate to existing conditions on the property, including a recorded easement with the adjacent lot affecting ingress, egress and parking. The signage variances will promote better visibility of the site. This property is located in close proximity to Mantua Pike, a busy commercial corridor. Deviations from the ordinance requirements will promote better visibility and will advance purposes of zoning such as the safe and free flow of traffic and promotion of a desirable visual environment through creative development techniques, good civic design and arrangement. The benefits of granting the variances substantially outweigh any detriments.

Granting the proposed variance relief will not change the nature and character of this neighborhood nor result in any material adverse impact on any neighbors. The car wash's proposed signage is consistent with development along Greentree Road. The variances will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.