

PRINCIPAL POINTS
Summit Wellness, LLC
1002 Mantua Pike
Woodbury Heights, New Jersey
Block 40.5, Lot 11

Please be advised that this notice is being provided pursuant to N.J.S.A. 40:55D-12 to advise that an application has been filed by the applicants, Summit Wellness (“Applicant”), with the Borough of Woodbury Heights Planning Board for a Site Plan with a Conditional Use for a Class 5 Cannabis Retailer pursuant to N.J.S.A. 24:61-31, et seq., and Article VI, Section 70-33.G of the Borough of Woodbury Heights municipal code with regard to the property located at 1002 Mantua Pike, Woodbury Heights, New Jersey, and which is also identified on the Borough of Woodbury Heights tax maps as Block 40.5, Lot 11 (“Property”). The Property is located within the HC Highway Commercial Zoning District.

The purpose of this application is to develop and construct an interior fit-out of a pre-existing one and one half (1-1/2), approximately 3,802’ gross square foot, vacant, former bank commercial building on a 26,246’ square foot corner lot with an existing drive-thru and surface parking lot into a Class 5 Cannabis Retailer as permitted by N.J.S.A. 24:61-31, et seq., and Article VI, Section 70-33.G of the Borough of Woodbury Heights municipal code. There are no proposed additions for the proposed development.

Under Section 70-33 of the Woodbury Heights Municipal Code regarding Conditional Uses, “the Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as but not limited to proposed use or uses, the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and building structure location or locations and orientation or orientations.” The Ord.20-2022

The Property is a pre-existing one and one half (1-1/2), approximately 3,802’ gross square foot, vacant, former bank commercial building on a 26,246’ square foot corner lot with an existing drive-thru and surface parking lot, which fronts Mantua Pike and Alliance Street with ingress and egress located on Alliance Street. The proposed project consists of interior renovations to the vacant space.

The subject property is located within the HC-Highway Commercial District. One cannabis retailer is permitted in that District as a conditional use in accordance with the standards set forth under Section 70-33.G. To date, no cannabis retailers have received a license from the Borough.

The following are the conditions set forth in Section 70-33.G along with a compliance response to each condition.

1. *No cannabis establishment shall permit on-site consumption of cannabis or cannabis related products, including on-site sales and consumption of alcohol or tobacco products.*

Applicant shall not permit on-site consumption of cannabis or cannabis related products, including on-site sales and consumption of alcohol or tobacco products. To that end, Applicant will post

signage up at the facility to put patrons on notice of such prohibition.

- 2. All cannabis establishment operations shall be conducted within a building and no operations shall be conducted outside. No outdoor storage of any cannabis, cannabis products or cannabis related materials shall be permitted.*

All cannabis establishment operations, including storage, shall occur within the building. Applicant proposes to use the existing drive-thru in compliance with this requirement as the products will be ordered online prior to the customer coming to the facility to pick them up, the money and product will be processing within the building, and product conveyed to the customer through the window of the building.

- 3. All facilities shall be located within enclosed buildings and shall not be permitted outdoors.*

All facilities shall be located within enclosed buildings and shall not be permitted outdoors.

- 4. Retail facilities shall not produce any odors that are detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of the building. Odor from any Cannabis facility shall be monitored on an annual basis at the discretion of the Borough by a licensed, qualified contractor chosen by the Borough at a cost that shall be paid for by the licensed cannabis facility.*

The facility shall not produce any odors that are detectable by a person of reasonable sensitivity anywhere on adjacent property or within public rights of way. The building space shall be designed with equipment to mitigate cannabis related odor.

- 5. Any licensed retail or manufacturing facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed facilities must operate within State decibel limitations.*

The retail facility will operate within applicable State decibel limitations. To that end, mechanical equipment will be housed entirely within the facility. Further, loading and deliveries will occur behind the building and are not anticipated to generate more noise than what occurs for other retail establishments permitted in the Highway Commercial District. Therefore, violations of State noise laws are not anticipated.

- 6. To the extent not already required by the entity's State license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior*

spaces which are either open to the public or used for the storage or processing of cannabis products. Footage must be maintained for the duration required under State law.

Security cameras will cover all exterior parking and loading areas, points of entry, and interior spaces that are open to the public and used for storage of cannabis products. See Proposed Floor Plan, Sheet A-1. Security footage will be maintained for the duration required under State law, at least 30 days.

7. *All licensed facilities must provide the Borough Police Department with access to security footage immediately upon request by the Department.*

Applicant will provide the Police Department with access to security footage immediately upon request by the Department. Applicant has submitted its security plan to the Woodbury Police Department for its review.

8. *To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.*

Applicant will provide for a security guard to the extent required by Article VI, Section 70-33.G.8.

9. *All licensed facilities must mitigate lighting spillover into any residential neighborhoods and shall comply with all applicable State lighting limitations.*

While it is not anticipated that lighting from the facility will spillover into any residential neighborhoods, Applicant shall mitigate any spillover that may occur and comply with all applicable State lighting limitations.

10. *No Cannabis Establishment shall be located within the following distances from the specified land uses listed below.*
 - a. *1,000 feet of any elementary school, middle school, high school, college or university either public or private;*
 - b. *500 feet of another cannabis business;*
 - c. *500 feet of a licensed childcare facility.*

Applicant complies with the distance requirements of this section. See distance map included in application package.

11. *Cannabis Waste shall be stored, secured, and managed in accordance with applicable state laws.*

Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws. See document entitled "Waste Disposal Procedures".

12. *Each cannabis use shall provide the following number of parking spaces: Cannabis retailer – 1 space per every 200 square feet of gross floor area, plus one parking space for every delivery driver or fleet vehicle.*

The building's gross square footage is 3,802 square feet, requiring a total of 20 parking spaces. There are a total of 21 parking spaces proposed for the site, meeting the requirement for one space per every 200 square feet of gross floor area plus an additional parking space for a delivery driver or fleet vehicle. Therefore, the requirements of this condition are met. See Site Plan prepared by Robbie Conley Architects, LLC dated March 24, 2023.

13. *A traffic impact study is required which includes estimated delivery vehicles, size of vehicles and number of employees. Additionally, a Class 5 Retail Cannabis establishment shall provide an on-site circulation plan for vehicles and pedestrians.*

See traffic impact study prepared by Doan & Dean Consulting Engineering dated March 17, 2023. See traffic circulation plan on Site Plan prepared by Robbie Conley Architects, LLC dated March 24, 2023.

14. *Hours of operation for the Cannabis Retail facilities shall not exceed 9 a.m. through 10 p.m.*

The hours of operations shall not exceed 9:00 a.m. to 10:00 p.m.

15. *The application shall include a statement of conformance, and indicate how conformance will be achieved if applicable, with Section 70-49.21 Performance Standards in the Land Management Code.*

See document entitled "Statement of Conformance with Section 70-49.21 Performance Standards in the Land Management Code.

16. *All applications proposing a cannabis use shall include a site plan which shall address lighting, parking, loading, landscaping, stormwater management and any other standards in the Borough Development Regulations, subject to the Planning Board's right to grant a submission waiver for any item required under the Borough Development Regulations in accordance with N.J.S.A. 40:55D-10.3.*

See Site Plan prepared by Robbie Conley Architects, LLC dated March 24, 2023.

17. *Signage shall otherwise comply with the requirements of the Borough of Land Use Regulations to the extent permissible by applicable State laws and regulations governing signage standards for licensed cannabis businesses. The following words, however, shall be prohibited from appearing on any sign: “marijuana”, “pot”, and “weed”. No cannabis product shall be displayed in any windows or doors. No cannabis business shall place or cause to be placed any off-site advertising signage.*

Signage complies with the requirements of the Borough of Land Use Regulations. The words “marijuana”, “pot”, and “weed” do not appear on any sign. No cannabis product will be displayed in any windows or doors. And Applicant shall not place or cause to be placed any off-site advertising. See “Proposed Signage” and sheet D-2.

18. *A planted buffer and fencing are required along any property line that abuts a residential district.*

No residential district abuts the Property, so the requirements of section 18 do not apply.

19. *Cannabis waste shall be stored, secured, and managed in accordance with applicable State Laws.*

Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws. See document entitled “Waste Disposal Procedures”.

20. *The total number of licensed cannabis establishments permitted in the LI-Light Industrial District shall be two (2).*

This cannabis establishment is not proposed to be located in the LI District.

21. *The total number of licensed cannabis establishments permitted in the HC-Highway Commercial District shall be (1).*

This cannabis establishment is proposed to be located in the HC district, where no other cannabis establishment has been approved.

22. *No Class 6 cannabis delivery establishment shall be permitted in the Borough.*

This cannabis establishment is seeking to operate as a Class 5 cannabis retail establishment, not as a Class 6 delivery establishment.

The proposed cannabis retail use will occupy a currently vacant space within an existing commercial building in the HC-Highway Commercial District. The proposed project will comply with all conditional use requirements for cannabis retailers. The information contained in this report may be supplemented with expert testimony.

