

Tiffany A. CuvIELLO, PP, LLC
Community Development and Planning

May 31, 2023

Shannon Elton
Woodbury Heights Planning and Zoning Board
500 Elm Avenue
Woodbury Heights, NJ 08097

RE: Summit Wellness, LLC
Block 40-5, Lot 11 (1002 Mantua Pike)
Highway Commercial (HC) Zoning District
Site Plan and Conditional Use
Second Review

Dear Ms. Elton:

I have reviewed revised plans for the above referenced application and have the following comments:

1. The applicant is requesting a conditional use approval and site plan approval to permit the reuse of an existing 3,802 square foot bank building as a cannabis retail (Class 5) facility. The property is located along Mantua Pike in the Highway Commercial (HC) zoning district.
2. The applicant has submitted an updated traffic report and security plan and has revised the plans to clarify that the drive-thru lane is not proposed for use as part of this application. The applicant has also clarified that there is no Class 6 Delivery service proposed as part of this application.
3. The proposed Class 5 Cannabis Retail facility is a permitted conditional use in the HC district. The applicant must satisfy all of the required conditions or request a D(3) variance from the Board. The following are the conditions in the ordinance and referenced by Ordinance Item (comments pertaining to how these are addressed are italicized below each item):

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

The applicant indicates that no on-site consumption is proposed and no on-site sales or consumption of alcohol or tobacco products are proposed. The Security Plan addresses how to handle customers who may decide to open and use items in the parking lot area.

G.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.

There are no areas shown on the site plan for outside operations or storage. The plans have been revised to eliminate the re-use of the drive-thru lane as part of this application.

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

The plans do not show any outdoor facilities.

G.4. Any licensed manufacturing facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not 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 a building. 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 a 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.

Odors are not expected from a retail facility as all items are prepackaged. The applicant should be advised that they are subject to annual monitoring by the Borough at the cost of the applicant. This should be a condition of approval. The applicant has indicated that the facility will be designed with equipment to mitigate any cannabis related odor.

G.5. Any licensed 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 applicable State decibel limitations.

A statement regarding noise has been provided. The applicant indicates no external noise is anticipated. The site will continue to be governed by the NJ Noise Control Act.

G.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.

Interior and exterior cameras are shown on the floor plans. A safety and security plan has been submitted with the application for review and approval by the Borough Police Department.

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

Any approval should be conditioned upon Police Department approval of the Safety and Security Plan.

G.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.

The applicant should verify that a security guard will be on-site during operating hours. This should be addressed in the requested Safety and Security Plan and approved by the Borough Police Department.

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

A lighting plan has been provided. The lighting plan provides for a new light pole. If security lighting is proposed it should be included on the site plan/lighting plan. The plans note that site lighting will be controlled by photovoltaic sensors and be illuminated from dusk until dawn.

G.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.

The applicant has indicated that they conform and submitted a map identifying the location of schools and childcare facilities. The map includes dimensioned radii at 1,000 feet to identify the properties that fall within these areas.

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

The application includes information on waste removal for cannabis items. The plan states that all cannabis waste will be rendered unusable before disposal and any cannabis waste will remain in a secure waste receptable until disposal.

G.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.

The plans provide for a total of 21 parking spaces where 20 are required based on the size of the building. One of these spaces is set-aside for a delivery vehicle as a loading area for deliveries to the site.

G.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.

A traffic impact statement has been provided. The plans and materials submitted do not provide the estimated number of employees.

The plans should provide an area for patrons to wait outside if the interior space is not able to accommodate patrons. If the applicant believes there is adequate internal space this can be reviewed with the Board. The concern is to ensure that there are not pedestrians waiting in the parking lot to enter the building and interfering with traffic flow.

G.14. Hours of Operation for the Cannabis Manufacturing and Retail Facilities shall not exceed 9am through 10pm.

The application indicates hours of operation from 9 AM to 10 PM daily.

G.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.

A statement has been provided and is acceptable.

G.16. All applications proposing a cannabis use shall include a site plan which shall address lighting, parking, loading landscaping, stormwater management and any other standard 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.

The site plan has been provided. The plans submitted do not include any new landscaping but identify all existing landscaping.

Additional comments regarding the site plan are provided below.

G.17. Signage shall otherwise comply with the requirements of the Borough 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 display shall be displayed in any windows or doors. No cannabis business shall place or cause to be placed any off-site advertising signage.

The plans provide for a freestanding sign along Mantua Pike at a setback of 10 feet. The sign area is proposed at 36 square feet where 37.29 square feet is permitted. The plans also provide for a new wall sign with an area of 36.875 square feet which conforms to the ordinance requirements.

The wall sign will be attached to the roof and replace existing dormers. The applicant should provide additional details to the Board as to what the background material will be and if this is a projection or designed similar to the dormers to be part of the roof. Specifically, the design should be such that the sign is attached to a wall as per Section 70-28L of the ordinance which states "Wall fascia or attached signs shall be firmly attached

to the exterior wall of a building and shall not project more than 15 inches from the building.”

The plans provide for directional signage. The ordinance permits directional signs with a maximum area of 2 square feet. Each sign as shown is proposed at 2 square feet. (Section 70-28F).

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

There are no abutting residential properties to this site.

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

The applicant has submitted a Waste and Recycling Management Plan demonstrating conformance.

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

The applicant conforms, there are no other operating or licensed retail facility in Woodbury Heights.

4. The drive-thru canopy is shown to remain, as is the internal window. The application does not indicate that the site will offer drive-thru sales or activity. If in the future the applicant wishes to utilize the drive-thru the plans should identify the same and stacking/circulation should be addressed.
5. The traffic report indicates that delivery vehicles can be accommodated on-site, and the plans provide for a parking space to serve as the loading area with a size of 12 feet by 20 feet. The size of the loading space requires a waiver from Section 70-14F(1) and 70-49.20.
6. A trash enclosure has been added to the plans. The area for the enclosure is next to the drive-thru lane and under the canopy. This should be reviewed and approved by the Fire Official and Construction Official.

There will be no landscaping or screening of the enclosure. The enclosure is proposed as a split-faced block wall with chain-link gate. The exterior of the enclosure should match the exterior of the building.

7. The plans provide for the removal of a driveway along Alliance Street and new parking is proposed in this area. The parking will have a setback of 0-feet to the Alliance Street property line. **A variance is required from Section 70-14E(2) which requires all parking to be setback 10-feet from the street line and that this area be landscaped/planted.** The site does not conform with this requirement for the existing parking along the Mantua Pike and Alliance Street property line. Additionally, the ordinance requires that the 5-feet adjacent to a lot line be planted/landscaped.

8. The applicant should consider adding vegetation along the two street frontages. This can include low growing shrubs and flowers and some shade trees. The vegetation will screen any potential headlight glare from the parking spaces. The former use did not have evening hours as the proposed use will be open until 10pm.
9. The applicant submitted a Security Plan and offer the following comments:
 - a. The Security Plan addresses deliveries, it should be clarified that the deliveries are between licensed cannabis facilities and not considered a Class 6 cannabis facility with deliveries to customers.
 - b. The plan indicates the use of a “Security Agents” and further notes that this agent will be a State Certified Security Officer whose certification is in good standing.
 - c. Outdoor queuing is noted as prohibited in the security plan and the Security Agent is responsible for ensuring there is no outdoor que.
 - d. The Security Agent will monitor the parking lot on an hourly basis to ensure there is no on-site consumption.
10. The above items identify “c” bulk variances from the setback requirements for the parking/paving closer to the property lines. The plans include modifications to the access and new parking spaces along Alliance Street at a 0-foot setback. This is a new condition and the existing parking is a pre-existing condition.

For the “c” variances, the applicant must demonstrate a hardship due to some unusual characteristic of the property or that the benefits will outweigh the detriments. The applicant must demonstrate that there will be no substantial impairment of the zoning ordinance or zone plan and no substantial detriment to the public good.

Please call with any questions.

Very truly yours,



Tiffany A. Morrissey, PP, AICP

Cc: B. Michael Borelli, Esq.
Mark Brunermer, P.E.
Alison Reynolds, Esq.
John Descano