

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2023-12**

WHEREAS Blulight Cannabis, LLC has applied to the Planning Board of the Borough of Woodbury Heights seeking conditional use approval and minor site plan approval to establish a retail cannabis dispensary in an existing building; and

WHEREAS, the property in question is located on the corner of Mantua Pike and Elm Avenue, Block 41, Lot 1.01 in a Highway Commercial (HC) zone; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application seeking conditional use approval and minor site plan approval to establish a retail cannabis dispensary in an existing building 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. Damien O. DelDuca, Esquire appeared on behalf of the applicant. The applicant is a contract purchaser of a fully developed site with an existing building previously occupied by a bank. The bank received site plan approval from the Planning Board in 2009 which included several bulk variances for landscaping, signage and parking. The applicant now wishes to convert the existing building into a retail cannabis facility with minimal changes related to a loading zone, employee parking, sidewalk, lighting, and trash enclosure.

2. The proposed use is permitted as a conditional use in the zone provided that all conditions set forth in the Ordinance are satisfied. The applicant presented the testimony of Jay Sims, PE, PP, CME, Traffic Engineer, Michael R. Brown, PE, PTOE, CME and Amanda Ostrowitz, Consultant regarding cannabis operations and compliance with regulations. The applicant submitted various documents with their initial application including, but not limited to, a site plan, a survey, a floor plan, a traffic assessment, an odor control and mitigation plan, a noise mitigation plan, a safety and security plan, a recycling report and a statement of conformance. In response to professional review comments, additional submissions were made, including exhibits A-1 through A-7 presented at the

public hearing.

3. The Board also carefully considered review letters of August 31, 2023 and September 5, 2023 prepared by Planning Board Engineer, Mark R. Brunermer, P.E., C.M.E. and review letters prepared by the Board's Professional Planner, Tiffany A. Morrissey, PP, dated August 30, 2023 and September 11, 2023. Based upon the testimony and documents submitted, as well as the opinion of the Board professionals, the Board determined that the applicant had met all of the conditions required for conditional use approval and that the use is therefore permitted as a conditional use in the zone.

4. The Board determined that it was appropriate to grant waivers for the following, all of which are preexisting non-conforming conditions:

a) To permit parking within 15 feet of a street right-of-way in area which is required to be landscaped.

b) To permit parking stalls 9 feet in width where 10 feet is required.

c) A waiver from providing hair pin design for parking spaces with widths less than 10 feet.

d) To allow driveways to be located within the first 30 feet from lot lines other than street right-of-ways.

e) A waiver was also granted from providing an environmental impact report.

5. The only variance required by the applicant was for the loading space to be 9 by 40 feet where 10 by 60 feet is required. The Board determined that the applicant carried their burden of proof regarding the granting of the variance as they provided testimony that the only delivery vehicles utilized in the loading zone would be sprinter vans with dimensions of approximately 7.5 feet by 19.5 feet and that no tractor and trailers would ever be delivering on site.

6. Regarding ground water monitoring, the applicant provided a response action outcome letter dated May 28, 2019 indicating that all remediation has been completed and the monitoring wells decommissioned. The Applicant will verify with their LSRP all conditions of the RAO letter, issued in 2019, have been addressed in accordance with NJDEP regulations.

7. Hours of operation shall be from 9:00 a.m. to 10:00 p.m. 7 days per

week with a maximum of 5 employees plus one security person. A maximum of 12 customers will be permitted in the retail area and 5 in the lobby. Deliveries will be made outside of store hours and no more than 2 times per day. Cannabis waste will be stored inside, combined with other materials to make it unusable and removed by a third party. No one from the public appeared in opposition to the application.

8. 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 Blulight Cannabis, LLC seeking conditional use approval and minor site plan approval to establish a retail cannabis dispensary in an existing building 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 shall be paid in full prior to the issuance of any permits or certificate of occupancy.

3. The proper State licensing for the facility will be maintained at all times and the facility shall comply with all licensing and State law requirements applicable to the facility.

4. Deliveries to the site shall be by van only.

5. The hours of operation shall be from 9:00 a.m. to 10:00 p.m. daily.

6. All cannabis waste shall be rendered unusable prior to disposal and shall remain in a secure waste receptacle until disposal.

7. A variance is granted to allow a 9 by 40 loading zone where a 10 by 60 loading zone is required.

8. Existing lights will be refitted with LED lighting. Proposed building mounted lighting will be added to the revised Lighting Plan to ensure compliance with Borough Ordinances.

9. Any landscaping which is not in good condition shall be replaced. Any fencing that is damaged will be replaced as well.

10. Existing signs that have not been removed may be utilized by the applicant. Two facade signs that were removed may be replaced based upon previous approvals. A detailed signage plan shall be submitted for review and approval.

11. The trash enclosure to be added will be screened from the road with stockade fence and the other sides to have a chain link fence to contain any trash. A chain link fence gate will be required.

12. Site circulation shall be subject to review by the fire marshal. If the applicant finds any recommendations to be unreasonable he may return to the Board for further review.

13. The drive through area will be closed to the public. The bank drive through drawer will be disabled with an opaque or tinted covering to be placed over the window so that no one can see in. Employee parking shall be allowed in the drive through lanes with a specific schedule set for the maneuvering of employee vehicles to avoid vehicles backing out in to drive aisles.

14. In the event the applicant ever wishes to provide drive through service they will be required to return to the Board for amended site plan review and approval.

15. A handicap style ramp for hand trucks from the loading area to the sidewalk along the back of the building at the loading area will be provided.

16. The security and safety plan is subject to review and approval by the police department.

17. The facility will have at least one State certified security officer whose certification is in good standing on site at all times the facility is open, as well as when deliveries are made if that occurs prior to opening or after closing.

18. Security personnel will monitor the exterior to prevent loitering or consumption on the premises and within parked vehicles.

19. The applicant shall satisfy all comments set forth in the review letters of Planning Board Planner, Tiffany A. Morrissey dated August 30th and September 11, 2023 and review letters of Planning Board Engineer Mark R. Brunermer dated August 31st and

September 5, 2023, which have not already been addressed herein.

20. The Applicant will post the applicable inspection escrow fees and bonding in accordance with the Borough and State requirements.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on October 2, 2023.

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



BRUCE FARRELL, CHAIRMAN

ATTEST:



SHANNON ELTON, SECRETARY