



BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING - SPECIAL MEETING
22 Snug Harbor Avenue, Highlands NJ 07732
Tuesday, December 20, 2022 at 7:00 PM

AGENDA

Please be advised that the agenda as shown may be subject to change. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

CALL TO ORDER

The chair reserves the right to change the order of the agenda.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

As per requirement, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Land Use Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

ROLL CALL

OPEN FOR PUBLIC COMMENTS

General Questions or Comments not pertaining to Applications

ACTION ON OTHER BUSINESS

RESOLUTIONS

- [1.](#) Memorialization for LUB2022-06: Martin 15 Barberie, Block 77 Lot 15
- [2.](#) Memorialization for LUB2022-05: Link 72 Fourth St. Block 65 Lot 25

HEARINGS ON NEW BUSINESS

- [3.](#) Conditional Use - LUB2022-07: Bridge City Collective
- [4.](#) Conditional Use - LUB2022-08: The Honorable Plant

HEARINGS ON OLD BUSINESS

APPROVAL OF MINUTES

5. October 13, 2022 LUB Meeting Minutes

COMMUNICATION AND VOUCHERS

Board Policy: • All meetings shall adjourn no later than 11:00 P.M. unless a majority of the quorum present at said hour vote to continue the meeting to a later hour. • No new hearing shall commence after 10:15 P.M. unless the Chairperson shall rule otherwise. • The Chair may limit repetitive comments or irrelevant testimony and may limit the time or number of questions or comments from any one citizen to ensure an orderly meeting and allow adequate time for members of the public to be heard.

ADJOURNMENT



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-20

MEMORIALIZATION OF MINOR SUBDIVISION APPROVAL WITH ANCILLARY VARIANCE RELIEF

Approved: October 13, 2022
Memorialized: December 8, 2022

IN THE MATTER OF MARTIN

APPLICATION NO. LUB2022-06

WHEREAS, an application for minor subdivision approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the "Board") by Marie Martin (hereinafter referred to as the "Applicant") on lands known and designated as Block 77, Lot 15, as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), and more commonly known as 15 Barberie Avenue in the R-2.01 (Single Family Residential) Zone; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, proof of service and publication of notice as required by law has been furnished and determined to be in proper order, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

WHEREAS, an in-person public hearing was held on October 13, 2022, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided with an opportunity to be heard.

NOW, THEREFORE, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property contains 7,500 square feet with 100 feet of frontage along the southeast side of Barberie Avenue within the R-2.01 (Residential) Zone district. The subject Property has a Lot depth of 75 feet. The subject Property is currently improved with a two-story single-family dwelling serviced by municipal water and waste systems.

2. The dwelling on Lot 15 has a minimum front yard setback of 9 feet whereas 20 feet is required in the Zone and complies in all other respects with the Zoning Ordinance.

3. The Applicant proposes to subdivide the subject Property into two (2) new lots as follows:

- Proposed Lot 15.01 will contain 3,750 square feet with 50 feet of frontage along Barberie Avenue and will contain the existing two-story, single-family dwelling.
- Proposed Lot 15.02 will contain 3,750 square feet with 50 feet of frontage along Barberie Avenue to be improved with a proposed 2-story, single-family elevated dwelling.

4. The Applicant, Marie Martin, testified that the minimum lot size in the Zone is 3,750 square feet and, therefore, that the proposed subdivision will create two lots that conform to the Zoning Ordinance and are commensurate with other lots in the Zone and neighborhood.

5. The Applicant further testified that by virtue of the proposed subdivision, the dwelling on Proposed Lot 15.01 (which is not being affected by the application) will have a minimum front yard setback of 9 feet, whereas 20 feet is required in the Zone. Accordingly, variance relief is requested, but the deviation from the Zoning ordinance already exists.

6. The Applicant further testified that she needed additional variance relief for the maximum building coverage for Proposed Lot 15.01, where 35.56% is proposed and 33% is permitted in the Zone. The Applicant continued testifying that she was not altering the dwelling

at all and that the home would remain in its current location with regard to all setbacks. Accordingly, the Applicant testified that the variance relief requested occurred by virtue of the subdivision and existing dwelling, and not any proposed construction.

7. The Applicant testified that the subdivision complied in all other respects with the Zoning Ordinance, including as to building height for both the existing and proposed dwellings. The Applicant further testified that the dwelling to be constructed on Proposed Lot 15.02, as proposed, would comply with the Zoning Ordinance. The Applicant agreed that if the dwelling was not constructed in accordance with the Zoning Ordinance or the terms of this resolution that she would need to return for variance relief.

8. The Applicant agreed to comply with the Board Engineer's First Engineering Review Letter and to revise the plans to reflect a driveway length of 18 feet.

9. There were no members of the public expressing an interest in this application.

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicants' request for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c should be granted in this instance.

The Board finds that the Applicants have proposed a minor subdivision which requires bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a

Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board finds that the Applicant has satisfied the positive criteria with regard to the previously enumerated requests for variance relief from the minimum front yard setback for Proposed Lot 15.01 where 20 feet is required and 9 feet is proposed, and for the maximum building coverage for Proposed Lot 15.01 where a maximum building coverage of 33% is permitted and 35.56% is proposed.

The Board finds that the proposed subdivision and construction of a single-family dwelling on Proposed Lot 15.02 is a permitted use in the R-2.01 zone. The Board finds that the proposed subdivision will create two lots, which are consistent with the prevailing neighborhood scheme, and which comply with the Zoning Ordinance. The dwelling to be constructed on Proposed Lot 15.02 would comply with the Zoning Ordinance and, to the extent the Applicant or a subsequent owner of the subject Property sought to construct a dwelling that neither complied with this Resolution nor the Zoning Ordinance, they would need to seek relief from the Land Use Board.

The Board also accepts the Applicant's testimony that the proposed variance relief would be indiscernible to the public because it affects the existing two-story dwelling on Proposed Lot 15.01 and not the dwelling proposed to be constructed on Proposed Lot 15.02 (which will comply with the Zoning Ordinance). The Board, therefore, finds that the minimum front yard setback of 9 feet proposed for Proposed Lot 15.01 already exists and is not being exacerbated by the application. Similarly, the Board finds that although the maximum building coverage is increasing on a percentage basis, that occurs solely by virtue of the subdivision of Lot 15 and the existence

of the two-story dwelling thereon. Accordingly, the Board finds that proposed building coverage of Proposed Lot 15.01 of 35.56% is not excessive and satisfies the positive criteria.

Based on the foregoing, the Board finds that the application advances the goals of the Municipal Land Use Law as enumerated at N.J.S.A. 40:55D-2. The positive criteria has therefore been satisfied.

The Board also finds that the negative criteria has been satisfied. The proposed subdivision of the existing lot into two smaller lots creates lots that are more similar to other lots in the surrounding neighborhood and which comply with the Zoning Ordinance. The proposed development also does not violate any height requirements and therefore does not impair any view corridors. As previously stated, the proposed density and use also complies with Ordinance requirements. The proposed variance relief will also not create any perceptible additional traffic or noise. The Board finds that the grant of variance relief will not result in substantial impairment to the zone plan or zoning ordinance and will not create a substantial detriment to the public good. The Board therefore finds that the negative criteria has been satisfied.

The Board further finds that the positive criteria substantially outweighs the negative criteria and that variance relief pursuant to N.J.S.A. 40:55D-70c(2) is appropriate in this instance.

With the exception of the above relief, the Applicants have complied with all other zoning, subdivision and design criteria. The Applicants may therefore be granted minor subdivision approval pursuant to N.J.S.A. 40:55D-47.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 8th day of December 2022, that the action of the Land Use Board taken on October 8th, 2022 granting Application No. LUB2022-06, for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2) as follows:

The application is granted subject to the following conditions:

1. The Subdivision Plat or Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicants shall record the Subdivision Plat or Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
2. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
3. Except where specifically modified by the terms of this resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
4. The Applicant shall obtain an Elevation Certificate.
5. Any future modifications to this approved plan must be submitted to the Board for approval.
6. The Applicant shall provide a certificate that taxes are paid to date of approval.
7. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
8. The subject Property is located in a CAFRA Zone and, thus, the Applicant shall comply with all applicable NJDEP requirements and obtain all applicable approvals and/or waivers therefrom.
9. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicants' expense and to send a certified copy of this Resolution to the Applicants and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on December 8, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. No. LUB2022-06/Martin

Minor Subdivision

October 13, 2022

December 8, 2022

- A-1 Land Use Board Application (Minor Subdivision), dated July 19, 2022.
- A-2 Minor Subdivision Plan prepared by Thomas C. Finnegan, P.L.S. of Thomas Craig Finnegan Land Surveying, L.L.C., dated May 16, 2022.

INTEROFFICE REPORTS

- B-1 Board Engineer's Review of Minor Subdivision, First Completeness Review letter, dated August 16, 2022.
- B-2 Board Engineer's Fee and Escrow Calculation letter, dated August 16, 2022.
- B-3 Board Engineer's First Engineering Review letter, dated September 28, 2022.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-21

MEMORIALIZATION OF MINOR SITE PLAN APPROVAL WITH BULK VARIANCE RELIEF

Approved: October 13, 2022
Memorialized: December 20, 2022

IN THE MATTER OF LINK

APPLICATION NO. LUB2022-05

WHEREAS, an application for minor subdivision approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the "Board") by David Link (hereinafter referred to as the "Applicant") on lands known and designated as Block 65, Lot 25, as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), and more commonly known as 74 Fourth Street in the R-2.02 (Single Family Residential) Zone; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, proof of service and publication of notice as required by law has been furnished and determined to be in proper order, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

WHEREAS, an in-person public hearing was held on October 13, 2022, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided with an opportunity to be heard.

NOW, THEREFORE, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property contains 2,500 square feet with 25 feet of frontage along the northeast side of 4th Street within the R-2.02 (Single Family Residential) Zone district. The subject Property has a Lot depth of 100 feet. The subject Property is currently vacant and previously contained a two-story single-family dwelling and wooden deck.

2. Per Borough Ordinance No. 22-13, a portion of the western adjacent alley, between 72 4th Street and 26 Cedar Street was vacated by the Borough and is proposed as a permanent utility easement/reservation for this application. The vacation increased the lot area of the subject Property from 2,500 square feet to 2,739 square feet.

3. The Applicant proposes to construct an elevated, two and one-half story dwelling on the subject Property, which requires the following bulk variance relief:

- Minimum Lot Size: 4,000 square feet is required, whereas 2,739 square feet is proposed (and existing).
- Minimum Lot Frontage: 50 feet is required, whereas 27.5 feet is proposed (with 25 feet existing).
- Minimum Side Yard Setback: 6 feet and 8 feet is permitted, whereas 2 feet and 3 feet are proposed.
- Maximum Building Coverage: 33% is permitted, whereas 45.2% is proposed.
- Minimum Front Yard Setback: 20 feet is permitted, whereas 15 feet is proposed.

4. Although the Applicant's proposal initially required bulk variance relief for the maximum building height, the Applicant and his professionals testified at the hearing that the proposal would, as revised, comply with the maximum building height and, thus, that no variance relief was requested or needed.

5. The Applicant, David Link, testified that he purchased the subject Property and demolished the vacant home existing thereon. He now proposes to construct a new single-family dwelling on the subject Property and to reside in the home.

6. The Applicant's Engineer and Planner, Andrew Stockton, P.E., P.P. testified next and stated that the subject Property is undersized, with existing non-conformities as to Minimum Lot Size and Minimum Lot Frontage.

7. Mr. Stockton testified as to the variances requested, stating that the bulk variance relief requested for Minimum Lot Size and Minimum Lot Frontage could be analyzed under (c)(1) hardship criteria, whereas the variances for Building Coverage and the side yard Setback were more appropriately viewed under the (c)(2) "flexible" standard. Mr. Stockton provided additional testimony as to the home that existed previously on the subject Property and how close it existed from the side, front, and rear yard lot lines.

8. Mr. Stockton testified that the Applicant planned to construct the dwelling with a proposed front yard setback of fifteen (15) feet (inclusive of the covered front porch). Mr. Stockton added additional testimony that the Zone required a minimum front yard setback of 20 feet or the prevailing setback in the Zone, which was calculated to be approximately 14.3 feet (excluding one of the adjacent properties that was out of character for the Zone). The Board Engineer agreed with the calculation and the testimony that it would be appropriate to consider the prevailing setback in the Zone to be 14.3 feet. Alternatively, the Board could consider all adjacent properties (inclusive of those out of character) and the prevailing setback would be approximately 19 feet. Mr. Stockton testified that it would be prudent to seek variance relief

from the front yard setback requirements, however, given the potential for discrepancies in the calculations.

9. Mr. Stockton next testified as to the proposed building height of the dwelling, stating that the roof measures 38.5 feet from the garage door to the highest part of the roof, 36 feet from the garage door to the roof eaves, and 33.8 feet from the garage door to the highest roof level. Because the Borough definition defines building height as the measurement from the garage door to the highest roof level, the Applicant initially proposed to construct a dwelling that is 1.3 feet (16 inches) higher than the maximum building height in the zone, 32.5 feet.

10. Mr. Stockton continued to provide testimony, stating that although the application required relief from the side yard setback requirements, the Borough had vacated a paper street, which adjoined the subject Property and that by doing so provided the subject Property with an additional 2.5 feet of lot width. Mr. Stockton also testified that the additional width would lessen the side yard setback relief needed. The Borough reserved a portion of the vacated paper street as a permanent utility easement.

11. Mr. Stockton testified that the Applicant proposed lot coverage of 45.2%, whereas 33% was permitted. He continued that the covered porch accounted for 112 square feet of the coverage. Mr. Stockton provided additional testimony that the proposed dwelling was only slightly larger (roughly 300 square feet) than the dwelling that existed previously. Mr. Stockton, in response to a comment from the Board Engineer, clarified that the reference to the prior dwelling was for historical purposes only, that the prior dwelling had been demolished, and that the Applicant had no entitlement to any pre-existing conditions or approvals.

12. Mr. Stockton testified that the subject Property was not located in a CAFRA zone and, therefore, that no NJDEP approval would be required. He provided additional testimony that the proposal would not result in an increase in stormwater runoff and, therefore, would not impact the downstream properties more than they had been impacted by the prior development.

13. Mr. Stockton continued testifying that given the dimensions of the subject Property and with limited, unused frontage available, the Applicant requested a waiver from the Borough's landscaping requirements. Mr. Stockton did testify, however, that it might be possible to plant one shade tree on the subject Property nearby the Borough's easement.

14. Mr. Stockton testified that the proposed dwelling would have 3 bedrooms and provide 2.5 off-street parking spaces; therefore, the proposal complies with the Borough's residential off-street parking requirements.

15. Mr. Stockton concluded his testimony by stating that the requested variance relief could be granted without any substantial detriment to the public good and that the proposal, advances the goals of municipal planning. He continued that the proposal advanced goals (B)(to secure safely from fire, flood, panic, etc.), (C)(to provide adequate light, air, and open space), (I)(to promote a desirable visual environment), and (M)(to encourage the coordination of various private and public procedures for shaping land development and efficient use of land) of N.J.S.A. 40:55D-2.

16. The Applicant's architect, Salvatore La Ferlita, R.A., testified next and opined that Applicant proposed a single-family dwelling, with a covered front porch. Mr. La Ferlita continued

that the first floor would contain the kitchen and living space, with a rear deck containing a spiral staircase up to the second floor.

17. Mr. La Ferlita provided additional testimony that the second floor would contain three bedrooms and third floor would contain a loft space, wet bar, powder room, with proposed rooftop deck. Mr. La Ferlita continued testifying that he could lower the proposed garage by six inches and the roof by another six inches, thereby decreasing the overall height of the dwelling by one foot (12 inches) (which would still require variance relief of 4 inches).

18. Mr. La Ferlita testified that the utility meters would be installed at the ground floor, adjacent to the garage and that the HVAC system and condenser would be installed on the first-floor rear deck, behind the kitchen. He continued that the HVAC would need to be located on the deck because it was required to be a certain distance above the flood plain and that there was insufficient clearance to place the unit on the ground floor, under the deck.

19. In response to questions from the Board, Mr. La Ferlita stated that the narrowness of the subject Property made locating a utility meter on the side of the proposed dwelling difficult, but he continued that because of elevation of the subject Property, the meter could be installed without the need of a meter reading platform. The Applicant agreed, as a condition of approval, that the electric meter and appurtenances would be installed without requiring further relief from the Board.

20. The meeting was then opened to the members of the public, at which time Pat Walsh at 20 Cedar Street (adjacent to the subject Property), inquired as to whether the proposed dwelling would obstruct her views. In response, the Applicant and Board stated that the proposal

would obstruct some of her views, but that a home could be constructed (without any variance relief) that would still do so.

21. Rob Miller, 27 Cedar Street next inquired as to whether the Board could alleviate the parking problems in the area and was advised that the matter was beyond the scope of the application.

22. Scott DeVere at 55 Fifth Street inquired what the side yard setbacks are in the Zone, to which the Board Engineer responded that it was generally six feet and eight feet, with some exceptions.

23. There were no other members of the public expressing an interest in this application.

24. The Board inquired whether the Applicant could reduce the height of the third-floor loft space by four (4) inches, in addition to 12-inch reduction agreed to previously, to comply with the maximum permitted building height of 32.5 feet. Mr. La Ferlita responded that the Applicant agreed to comply with the maximum permitted building height of 32.5 feet and, therefore, that no variance relief for the maximum permitted building height was requested or needed.

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in

which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that request for minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 along with variance relief pursuant to N.J.S.A. 40:55D-70c should be granted in this instance.

The Board finds that the Applicant has proposed a permitted use on the subject Property. The proposal, however, requires minor site plan approval and bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicants may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. Applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the Applicants have the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, the Applicant must also show that the

proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. It is only in those instances when the Applicant has satisfied both these tests that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

The Board finds that the Applicant has failed to meet its burden of proof to be granted a hardship variance pursuant to N.J.S.A. 40:55D-70c(1). The Applicant did not provide any evidence concerning the creation of the subject Property. The Applicant's argument regarding the dimensions of the subject Property when purchased are also not relevant. A self-created hardship created by a prior owner is imputed to the current owner under the law. The Applicant has failed to demonstrate hardship and cannot satisfy the positive criteria pursuant to N.J.S.A. 40:55D-70c(1).

The Board finds, however, that the Applicant has satisfied the c(2) positive criteria. The Board finds that the proposal advances the goals of Zoning enumerated in N.J.S.A. 40:55D-2(B)(to secure safely from fire, flood, panic, etc.), (C)(to provide adequate light, air, and open space), (I)(to promote a desirable visual environment), and (M)(to encourage the coordination of various private and public procedures for shaping land development and efficient use of land). The Board further finds that the proposed improvements enhance the aesthetics and usefulness of the subject Property and also result in a diversified housing stock. Improved aesthetics not only benefits the Applicant, but also advances the interests of the entire community. The Board therefore concludes that the goals of planning as enumerated in N.J.S.A. 40:55D-2 have been advanced. The Applicant has therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed improvements result in an aesthetic improvement to the subject Property, which is currently vacant, and also result in a diversified housing stock. The new home will also be consistent and fit in seamlessly with the prevailing neighborhood residential scheme and the proposal does not require variance relief from the maximum permitted building height. All flood elevation requirements will also be satisfied. The proposal is consistent with the Borough's overall goals and objectives of providing new, safe and visually attractive homes. The Board therefore concludes that there is no substantial detriment to the zone plan or the zoning ordinance. The public welfare has also not been substantially detrimented. The negative criteria has therefore been satisfied. The Board concludes that the positive criteria substantially outweighs the negative criteria and that bulk variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

With the exception of the above relief, the Applicant has complied with all other zoning, subdivision and design criteria. The Applicant may therefore be granted minor site plan approval pursuant to N.J.S.A. 40:55D-46.1.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 20th day of December 2022, that the action of the Land Use Board taken on October 13th, 2022 granting Application No. LUB2022-05, for minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 along with variance relief pursuant to N.J.S.A. 40:55D-70c as follows:

The application is granted subject to the following conditions:

1. The development of the site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board with this application.

2. Except where specifically modified by the terms of this Resolution, the Applicants shall comply with all recommendations contained in the reports of the Board's professionals.
3. The Applicants shall obtain all necessary approvals from the Borough Flood Plain Officer.
4. The Applicant shall submit a utility easement subject to the review and approval of the Board Engineer and Board Attorney.
5. The Applicant shall locate the electric meter and appurtenances without requiring relief from the Board.
6. The Applicants shall provide an As-Built Survey prior to obtaining a Certificate of Occupancy.
7. The Applicants shall provide a certificate that taxes are paid to date of approval.
8. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
9. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey, or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicants' expense and to send a certified copy of this Resolution to the Applicants and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on December 20, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. No. LUB2022-05/Link

Bulk Variance Relief

October 13, 2022

December 20, 2022

- A-1 Land Use Board Application (Minor Site Plan), dated June 22, 2022.
- A-2 Architectural Plan prepared by Salvatore La Ferlita, R.A., dated September 23, 2022.
- A-3 Topographical Survey prepared by Ronald L. Trinidad, P.L.S. of R & T Land Surveying, dated June 1, 2022.
- A-4 Location Land Survey prepared by Thomas C. Finnegan, P.L.S., dated November 22, 2021.
- A-5 Grading Plan, prepared by Andrew R. Stockton, P.E., P.L.S., of Eastern Civil Engineering, L.L.C., dated August 10, 2022.
- A-6 Sketch of Cedar Street Road Vacation, part of Lot 25, Block 65, prepared by Robert K. Sanchez, P.L.S. of CME Associates, dated June 21, 2022.
- A-7 Sketch of Cedar Street Road Vacation, part of Lot 2.01, Block 68, prepared by Robert K. Sanchez, P.L.S. of CME Associates, dated June 21, 2022.
- A-8 Sketch of Cedar Street Road Vacation, part of Lot 2.01, Block 68, prepared by Robert K. Sanchez, P.L.S. of CME Associates, dated June 21, 2022.
- A-9 Colored Rendering of Architectural Plans

INTEROFFICE REPORTS

- B-1 Zoning Officer letter, dated June 22, 2022.
- B-2 Board Engineer's First Completeness Review letter, dated September 27, 2022.
- B-3 Board Engineer's Fee and Escrow Calculation letter, dated September 27, 2022.
- B-4 Board Engineer's First Engineering Review letter, dated September 30, 2022.



STEINHARDT
CAPPELLI
TIPTON &
TAYLOR LLC

91 Larry Holmes Dr., Suite 200
Easton, PA 18042

o 610.691.7900
f 610.691.0841

Brian R. Tipton, Esq.
Ext. 1023
btipton@floriolaw.com

October 13, 2022

Via Hand Delivery

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732

Re: Bridge City Collective Highlands, LLC's
Conditional Use and Minor Site Plan application


Dear Nancy,

This firm represents Bridge City Collective Highlands, LLC with respect to the enclosed application including the following:

1. 4 copies of the application with attachments.
2. Escrow check for \$1000, and
3. Application fee check for \$300.

Thank you.

Very truly yours,



Brian R. Tipton

BRT:br
Enclosures

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LAND USE BOARD



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Item 3.

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

LAND USE BOARD

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Ck# 289

Ck#290

Date Rec'd: 10/14/2022 Application #: LUB2022-07 Fee: \$250 Escrow: \$1,000

1. APPLICANT

Name: Bridge City Collective Highlands LLC

Address: PO Box 2189

City: Pittsfield State: MA Zip: 07732

Phone: (201) 744-9380

Email: breiter@bridgecitycollective.com

Relation to property: Lessor

2. OWNER

Name: 132 Bay Avenue LLC

Address: 75 Crows Mill Road

City: Keasby State: NJ Zip: 08832

Phone: _____

Email: _____

3. TYPE OF APPLICATION (Check all that apply)

- ☐ Minor Subdivision
- ☐ Major Subdivision – Preliminary
- ☐ Major Subdivision – Final
- ☒ Minor Site Plan
- ☐ Major Site Plan – Preliminary
- ☐ Major Site Plan – Final
- ☐ Variance
- ☐ Use Variance

- ☐ Appeal – Zoning Denial date _____
- ☐ Appeal – Land Use Decision date _____
- ☐ Informal Concept Plan Review
- ☐ Extension of Approval
- ☐ Revision/Resubmission of Prior Application
- ☒ Other Conditional use

4. PROPERTY INFORMATION

Block 47 Lot(s) 6 Address: 132 Bay Avenue, Highlands

Lot size _____ # of Existing Lots 1 # of Proposed Lots 1

Zone CBD Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copiesHas the property been subdivided? ☒ No ☐ Yes If yes, when? _____

Attach copies of approved map or approved resolution

Property taxes paid through _____ Sewer paid through _____

5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)

Name: Brian R. Tipton, Esq.

Address: 91 Larry Holmes Drive, Suite 200, Easton, PA 18042

Phone: 908-454-8300 Email: btipton@floriolaw.com



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6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: Walter Hopkin, PE
Address: 257 Monmouth Road
Oakhurst, NJ 07755
Phone: 732-223-1313
Email: whopkin@wjhengineering.com

Name: _____
Address: _____

Phone: _____
Email: _____

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

The property is current vacant, prior use was retail and residential.

Owned by 132 Bay Avenue, LLC from November 14, 2020 to present.

B. PROPOSED PLAN –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

Bridge City Collective Highlands is leasing the first floor of the building located at 132 Bay Avenue (Block 47, Lot 6), containing approximately 1,676 rentable square feet.

C. ADDITIONAL INFORMATION:

	Existing	Proposed
Residential:		
How many dwelling units?	<u>2</u>	<u>2</u>
How many bedrooms in each unit?	<u>1</u>	<u>1</u>
How many on-site parking spaces?	<u>2</u>	<u>2</u>
Commercial:		
How many commercial uses on site?	<u>1</u>	<u>1</u>
How many on-site parking spaces?	<u>0</u>	<u>0 1</u>



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Highlands, NJ 07732
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8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	*		
Frontage	*		
Lot Depth	*		
Minimum Yard Requirements			
Front Yard Setback	*		
2 nd Front Yard Setback	*		
Rear Yard Setback	*		
Side Yard Setback, right	*		
Side Yard Setback, left	*		
Building Height	*		

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces	*	3	3
Other (please add)			

9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.

Please see attached additional information sheet.

* The variance relief request will be set forth in a supplemental submission.



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Item 3.

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Highlands, NJ 07732
(732) 872-1224
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10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

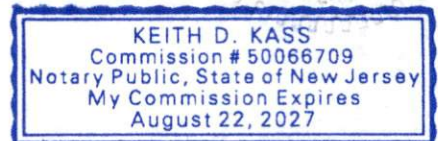
SWORN & SUBSCRIBED to before me this
13 day of Oct 2022 (year)
[Signature] (notary)
(Seal)

[Signature]
Signature

10/13/22
Date

Brant Reiter

Print Full Name



11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

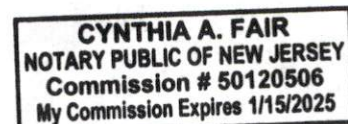
SWORN & SUBSCRIBED to before me this
13th day of October 2022 (year)
[Signature] (notary)
(Seal)

[Signature]
Signature

10-13-2022
Date

Valerie Montecalvo

Print Full Name



12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

Is this application to subdivide a parcel of land into six (6) or more lots?

Yes ☐ No ☐

Is this application to construct a multiple dwelling of 25 or more units?

Yes ☐ No ☐

Is this an application for approval of a site(s) for non-residential purposes?

Yes ☐ No ☐

Is this Applicant a corporation?

Yes ☐ No ☐

Is the Applicant a limited liability company corporation?

Yes ☒ No ☐

Is the Applicant a partnership?

Yes ☐ No ☐

If you circled YES to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



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Item 3.

Borough of Highlands
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Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

Bridge City Collective Highlands LLC

Listed below are the names and addresses of all owners of 10% or more of the stock/interest* in the above referenced business organization:

NAME	ADDRESS
Brant Reiter	PO Box 2189, Pittsfield, MA 07732

*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this
13 day of Oct 2022 (year)
[Signature] (notary)
(Seal)

KEITH D. KASS
Commission # 50066709
Notary Public, State of New Jersey
My Commission Expires
August 22, 2027

[Signature] 10/13/22
Signature (Officer/Partner) Date
Brant Reiter CEO
Print Full Name Title

9. Other relief requested

Bridge City Collective Highlands LLC ("Applicant") seeks minor site plan approval and conditional use approval of its proposed operations at 132 Bay Avenue (Block 47, Lot 6) (the "Property"). Applicant leases the first floor of the building at the Property, consisting of approximately 1,676 rentable square feet. Applicant has a conditional license from the New Jersey Cannabis Regulatory Commission for the retail sale of marijuana. Applicant is seeking from the Board a conditional approval for the use of the Property for the retail sale of marijuana. Applicant's Property is within the Central Business District, which permits the retail sale of marijuana as a conditional use. Further, Applicant's Property is greater than 1,000 feet from a school. Applicant is making no changes to the exterior of the building on the Property.

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LAND USE BOARD

STATE OF NEW JERSEY CANNABIS REGULATORY COMMISSION

OFFICE OF COMPLIANCE & LICENSING

FINAL RECOMMENDATION FOR:

CLASS 5 - RETAILER

LEGISLATION STATEMENT AS IT PERTAINS TO EACH TYPE OF LICENSING

UNDER THE AUTHORITY OF THE NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE,
AND MARKETPLACE MODERNIZATION ACT, P.L.2021, C.16 (C.24:6I-31 ET AL.), THE CANNABIS
REGULATORY COMMISSION HEREBY ISSUES THIS LICENSE TO OPERATE A CANNABIS BUSINESS FOR
THE PURPOSE OF RETAILER TO:

FACILITY NAME: BRIDGE CITY COLLECTIVE HIGHLANDS LLC

LICENSE FACILITY ADDRESS: 132 BAY AVE, , HIGHLANDS, MONMOUTH NJ - 07732

LICENSE NUMBER: RE000154

EXPIRATION DATE: 03/31/2023



DIANNA HOUENOU
COMMISSION CHAIR



JEFF BROWN
EXECUTIVE DIRECTOR



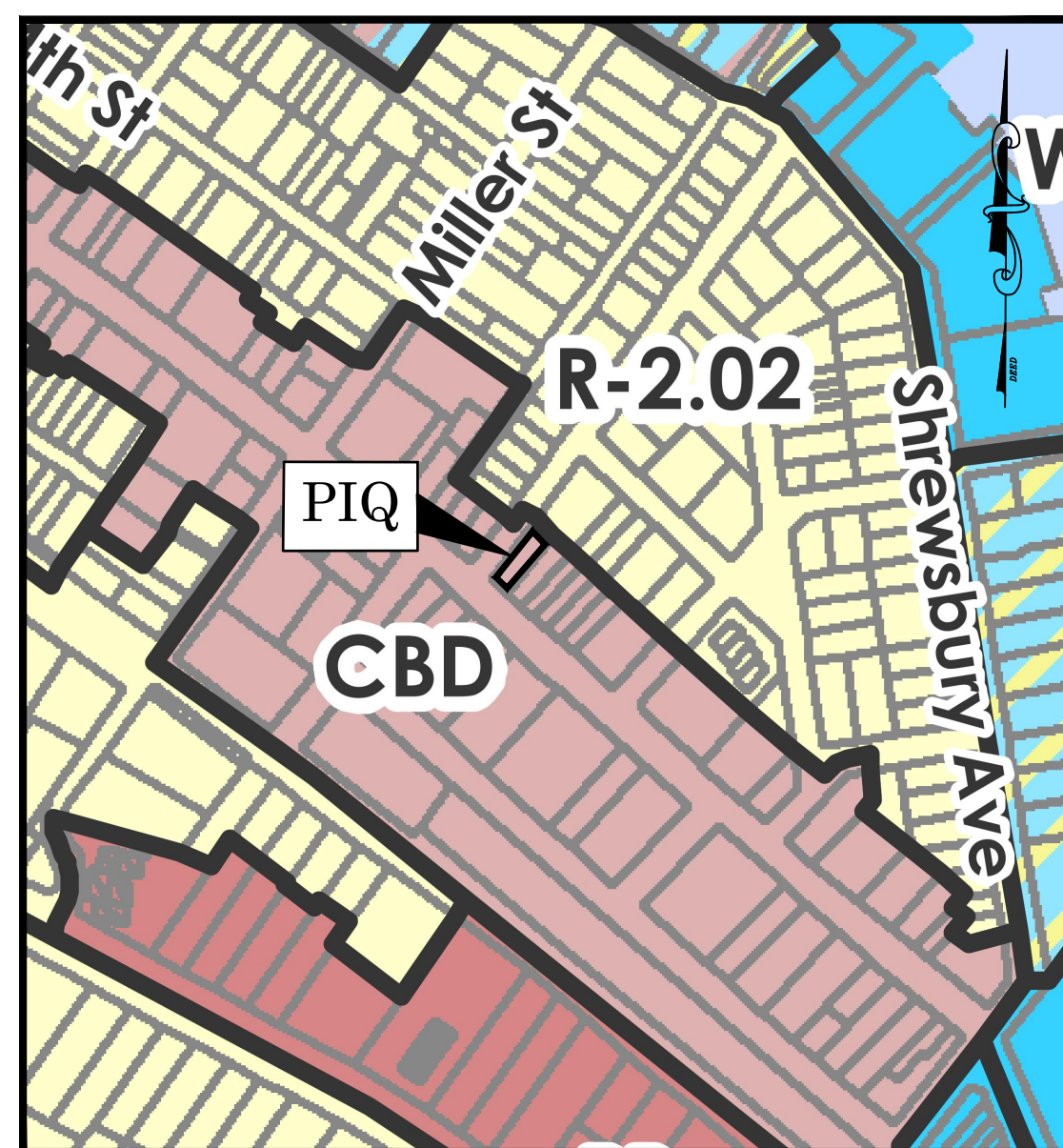
SITE PLAN

LOT 6 OF BLOCK 47

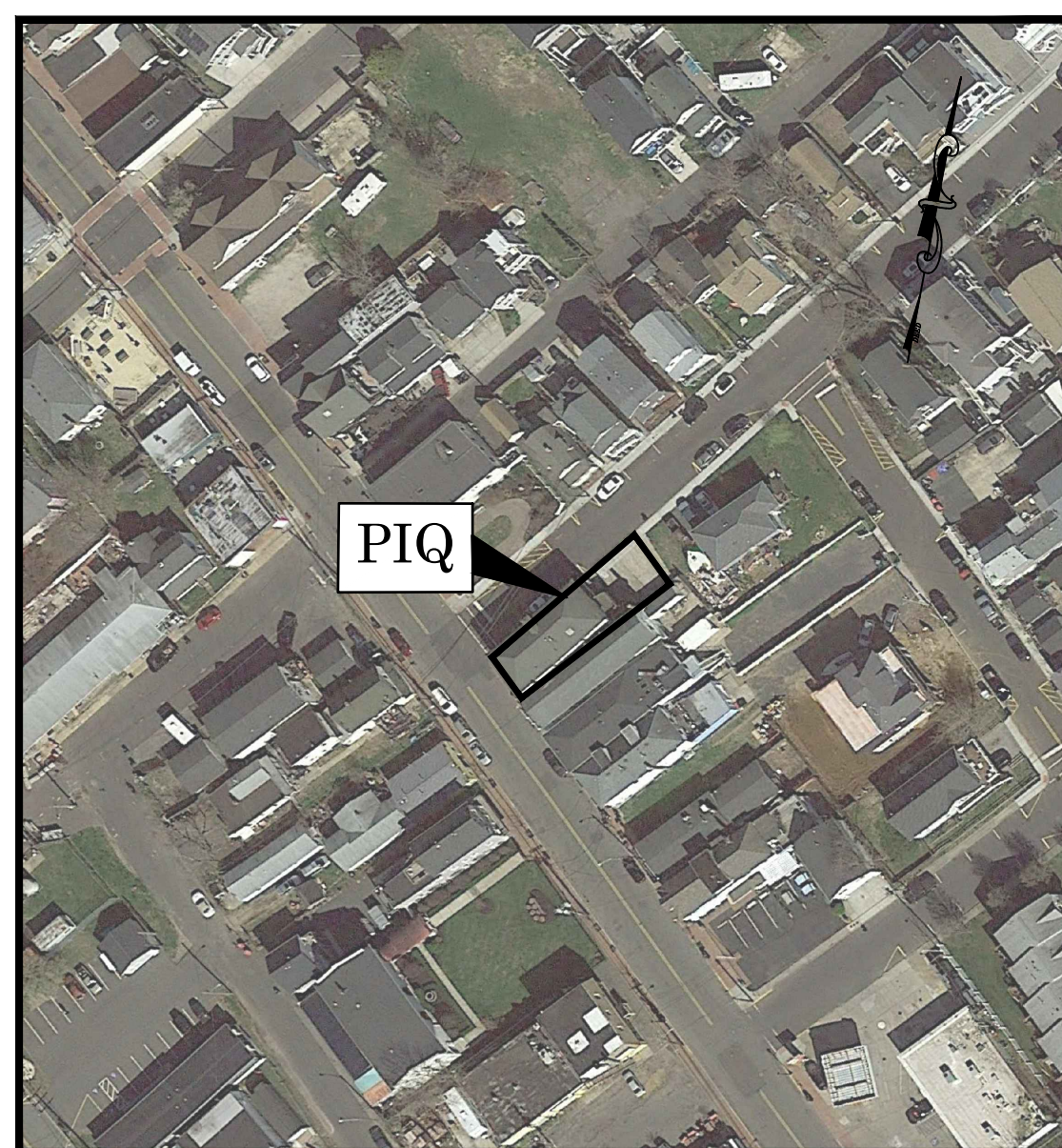
TAX MAP SHEET # 11

BOROUGH OF HIGHLANDS

MONMOUTH COUNTY, NJ



ZONE MAP
SCALE: 1" = 500'



KEY MAP
SCALE: 1" = 100'



TAX MAP
SCALE: 1" = 100'

ZONING TABLE			
CBD: CENTRAL BUSINESS DISTRICT			
MIN. & MAX. REQUIRED	CBD ZONING REQ.	C-RO-2 REDEVELOPMENT ZONE	PROVIDED
MIN. LOT AREA	—	—	3,004.15 S.F.
MIN. LOT FRONTAGE/WIDTH	—	—	130.63 FT.
MIN. LOT DEPTH	—	—	65.91 FT.
MIN. FRONT SETBACK	0 FT.	2 FT.	0 FT. - CORNWELL STREET 0.49 FT. - BAY AVENUE *
MIN. SIDE SETBACK	0 FT.	0 FT.	0.17 FT.
MIN. REAR SETBACK	12 FT.	12 FT.	36.82 FT.
MAX. BUILDING HEIGHT	36 FT.	36 FT.	> 36 FT. **
MAX. LOT COVERAGE	80%	80%	93.03% ***
MAX. BUILDING COVERAGE	35%	80%	57.19% ****
F.A.R.	0.65	N/A	1.10 ****

* EXISTING NON-CONFORMITY (C-RO-2 REDEVELOPMENT ZONE)
 ** TO BE VERIFIED
 *** EXISTING NON-CONFORMITY (BOTH ZONES)
 **** EXISTING NON-CONFORMITY (CBD ZONE) (F.A.R. TO BE VERIFIED)

PARKING CALCULATION:

- FIRST FLOOR: (\$21-65.140)
 - 1 SPACE PER 600 S.F. GROSS FLOOR AREA
 - 1,676± S.F. OF GROSS FLOOR AREA PROVIDED
 - 1,676 S.F. / 600 = 2.79 SPACES REQUIRED
 - SECOND FLOOR: (N.J.A.C. 5:21-4.16)
 - 1.8 SPACES PER 1-BEDROOM APARTMENT
 - 2 1-BEDROOM APARTMENTS PROVIDED
 - 1.8 SPACES x 2 = 3.6 SPACES REQUIRED
- TOTAL PARKING REQUIRED = 2.79 SPACES + 3.6 SPACES
 = 7 SPACES REQUIRED
- PARKING PROVIDED = 3 SPACES

CERTIFICATION OF OWNER:

I CERTIFY THAT I AM THE OWNER OF THIS PROPERTY & CONSENT TO THE FILING OF THIS APPLICATION.

SIGNATURE _____ DATE _____

APPLICATION NO. _____ APPROVED/DISAPPROVED BY THE HIGHLANDS BOROUGH LAND USE BOARD

LAND USE BOARD CHAIRMAN _____ DATE _____

LAND USE BOARD SECRETARY (ATTEST) _____

ENGINEER _____ DATE _____

APPROVED BY THE MONMOUTH COUNTY PLANNING BOARD

PLANNING BOARD CHAIRMAN _____ DATE _____

PLANNING BOARD SECRETARY (ATTEST) _____

ENGINEER _____ DATE _____

OWNER
 132 BAY AVENUE, LLC
 75 CROWS MILL ROAD
 KEASBY, NJ 08832

APPLICANT
 BRIDGE CITY COLLECTIVE HIGHLANDS, LLC
 P.O. BOX 2189
 PITTSFIELD, MA 07732
 PH.# (201) 744-9380
 BREITER@BRIDGECITYCOLLECTIVE.COM

SHEET INDEX			
SHEET NO.	SHEET TITLE	ORIG. ISSUE DATE	LATEST REV. DATE
1	COVER SHEET	10/27/2022	—
2	EXISTING CONDITIONS PLAN	10/27/2022	—
3	PROPOSED IMPROVEMENT PLAN	10/27/2022	—

200' ADJOINING OWNERS

200 Foot List Block 47 Lot 6

1319-53-9 BAY AVENUE PROPERTIES LLC 151 BAY AVENUE HIGHLANDS NJ 07732	1319-47-4-01 128 BAY AVENUE LLC 75 CROWS MILL RD PO BOX 290 KEASBY NJ 08832	1319-48-7 30 JACKSON STREET LLC % WILKES ESQ 711 SOUTH EDGEMERE DRIVE WEST ALLENHURST NJ 07711
1319-54-1 SOYKA, HELEN (ESTATE) 169 BAY AVENUE HIGHLANDS NJ 07732	1319-47-4-02 128 BAY AVENUE LLC % GOLDSTEIN 122 W. 87TH ST NEW YORK NY 10024	1319-47-1 PUGLISI JOHN R 38 JACKSON STREET HIGHLANDS NJ 07732
1319-54-4 CONSIGLIERE LLC P.O. BOX 412 NAVESINK NJ 07752	1319-54-7-01 LDN REAL ESTATE LLC 676 HARDING ROAD LITTLE SILVER NJ 07739	1319-54-3-01 CIRECO STEPHEN 127 OAK STREET WOOD RIDGE NJ 07075
1319-47-10 BOROUGH OF HIGHLANDS 171 BAY AVENUE HIGHLANDS NJ 07732	1319-52-7 CAPLINGER JAMES W (ESTATE) 50 CORNWELL STREET HIGHLANDS NJ 07732	1319-52-5 DORN JOHN & WENDY 50 CORNWELL STREET HIGHLANDS NJ 07732
1319-47-11 MAL DANGELO LLC 812 MAIN STREET BRADLEY BEACH NJ 07720	1319-53-3 SHEA WILLIAM J 67 SOUTH LINDEN AVENUE HIGHLANDS NJ 07732	1319-47-2 WILSON THOMAS & ISRAEL LYSA J 11 JOHN STREET HIGHLANDS NJ 07732
1319-47-12 HINLUCKY MARK 121 OLD WAGON ROAD MIDDLETOWN NJ 07748	1319-52-4 ROEMMEL CHARLES V & ANN 58 CORNWALL ST HIGHLANDS NJ 07732	1319-46-6 BAY AVENUE VENTURES LLC 404 SYCAMORE AVE STE 100 SHREWSBURY NJ 07702
1319-47-7 KOCHANIK ELIZABETH ANNE 47 SECOND STREET HIGHLANDS NJ 07732	1319-52-9 TEZLAF CARL 420 GATES ST SALISBURY NC 28144	1319-46-7 143 BAY LLC % DINAMI PARTNERS 609 GREENWICH ST 4TH FL NEW YORK NY 10014
1319-47-8 128 BAY AVE LLC 75 CROWS MILL ROAD KEASBY NJ 08832	1319-47-5 LYNCH GREGORY JR & JACQUELINE 1 JOHN STREET HIGHLANDS NJ 07732	1319-46-8 SHANNON ENTERPRISES LLC 300 BAY AVENUE HIGHLANDS NJ 07732
1319-47-9 126 BAY AVENUE LLC % GOLDSTEIN 122 W. 87TH STREET NEW YORK NY 10024	1319-52-8 CAPLINGER JAMES W & CATHERINE M 50 CORNWALL ST HIGHLANDS NJ 07732	1319-48-6 KIELY THOMAS & FAITH 10 JOHN STREET HIGHLANDS NJ 07732
1319-47-6 132 BAY AVE LLC 75 CROWS MILL ROAD KEASBY NJ 08832	1319-53-4 HAMMER ROBERT W & ANN 52 MORGAN ROAD MIDDLETOWN NJ 07748	1319-46-5 THE DAVIS FAMILY LLC 200 LINDEN AVE HIGHLANDS NJ 07732
1319-52-1 BOROUGH OF HIGHLANDS 171 BAY AVE HIGHLANDS NJ 07732	1319-52-6 CAPLINGER JAMES W JR 54 CORNWALL STREET HIGHLANDS NJ 07732	
1319-52-2 BRUSIEL KENNETH S & CARLA (ESTD) 62 GRAVELLY POINT ROAD HIGHLANDS NJ 07732	1319-52-3 SARDINIA ALEX 60 CORNWALL STREET HIGHLANDS NJ 07732	
1319-53-8 SPICE PROPERTIES LLC 157 BAY AVENUE HIGHLANDS NJ 07732	1319-54-5 FLANNERY JOHN M & DANIELLE A 38 NORTH STREET HIGHLANDS NJ 07732	
1319-46-3 BAY AVENUE VENTURES LLC 404 SYCAMORE AVE STE 100 SHREWSBURY NJ 07702	1319-48-4 NEUMIRTH JASON 43 CORNWELL ST HIGHLANDS NJ 07732	
1319-46-4 128 BAY AVE LLC 75 CROWS MILL ROAD KEASBY NJ 08832	1319-48-5 SEBASTIAN ROBERT & GRACIE FRANKO 45 CORNWALL STREET HIGHLANDS NJ 07732	

* If you are located within 200 feet of a State Highway, you **MUST** notify the NJ Department of Transportation:

NJ Dept. of Transportation
 1035 Pkwy Avenue
 PO Box 600
 Trenton, NJ 08625

* If you are within 200 feet of a County owned road, you **MUST** notify the Monmouth County Planning Board:

Monmouth County Planning Board
 Hall of Records Annex 2nd Floor
 One East Main St.
 PO Box 1255
 Freehold, NJ 07728

You must also notify all utilities located within the 200-foot range of the subject property:

JCP&L
 300 Madison Avenue
 PO Box 1911
 Morristown, NJ 07960

NEW JERSEY AMERICAN WATER COMPANY
 Attn: Construction Department
 661 Shrewsbury Ave
 Shrewsbury, NJ 07702

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY
 Ron Bertrand, Construction Foreman
 403 South St
 Eatontown, NJ 07724

VERIZON COMMUNICATIONS
 One Verizon Way
 Basking Ridge, NJ 07920

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY
 Raymond J. Nierstedt, P.E., Executive Director
 PO Box 205, 100 Beverly Way
 Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY
 Attn: Joan Purcaro
 PO Box 1464
 1415 Wyckoff Road
 Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
 Attn: Executive Director
 200 Harbor Way
 PO Box 184
 Belford, NJ 07718

GENERAL NOTES

OWNER— 132 BAY AVENUE, LLC
 75 CROWS MILL ROAD
 KEASBY, NJ 08832

APPLICANT— BRIDGE CITY COLLECTIVE HIGHLANDS, LLC
 P.O. BOX 2189
 PITTSFIELD, MA 07732
 (201) 744-9380
 BREITER@BRIDGECITYCOLLECTIVE.COM

- THE PROPERTY IS KNOWN AS LOT 6 OF BLOCK 47, AS SHOWN ON TAX MAP SHEET 11 OF THE OFFICIAL TAX MAPS OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.
- BOUNDARY AND TOPOGRAPHY INFORMATION DEPICTED HEREON TAKEN FROM A PLAN ENTITLED "SURVEY OF PROPERTY FOR 132 BAY AVE LLC" PREPARED BY EASTERN CIVIL ENGINEERING, LLC, DATED 11/07/2020. ADDITIONAL TOPOGRAPHY PERFORMED BY WH ENGINEERING.
- PURSUANT TO FIRM MAP NUMBER 24025C0088H THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION = 11 FT.)
- EXISTING USE: COMMERCIAL RETAIL
- PROPOSED USE: RESIDENTIAL APARTMENTS
- ALL PUBLIC UTILITY SYSTEMS CURRENTLY SERVE THE SITE.
- DO NOT SCALE DRAWINGS AS THEY PERTAIN TO ADJACENT AND SURROUNDING PHYSICAL CONDITIONS, BUILDINGS, STRUCTURES, ETC.. THEY ARE SCHEMATIC ONLY, EXCEPT WHERE DIMENSIONS ARE SHOWN THERE TO.
- THIS SET OF PLANS HAS BEEN PREPARED FOR PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THESE PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED ON THE DRAWINGS AND EACH DRAWING HAS BEEN REVISED TO INDICATE "ISSUED FOR CONSTRUCTION."
- THE EXISTING UTILITY INFORMATION SHOWN ON THESE PLANS HAS BEEN OBTAINED FROM A VARIETY OF SOURCES AND IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE CONTRACTOR SHALL VERIFY TO HIS OWN SATISFACTION PRIOR TO EXCAVATION OF THE HORIZONTAL AND VERTICAL ALIGNMENT OF ALL EXISTING UTILITIES IN THE AREAS OF THE PROPOSED EXCAVATION AND PROPOSED UTILITY CROSSINGS. THE CONTRACTOR SHALL CALL FOR UTILITY MARK OUT AT 1-800-272-1000 PRIOR TO ANY SOIL DISTURBANCE OR EXCAVATION.
- ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR SITE IMPROVEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH:
 - N.J. DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", AS CURRENTLY AMENDED.
 - CURRENT, PREVAILING MUNICIPAL AND/OR COUNTY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
 - CURRENT, PREVAILING UTILITY COMPANY/AUTHORITY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
- CONTRACTOR SHALL NOTIFY THE UNDERSIGNED PROFESSIONAL IMMEDIATELY IF ANY FIELD CONDITIONS ENCOUNTERED DIFFER MATERIALLY FROM THOSE REPRESENTED HEREON AND/OR IF SUCH CONDITIONS, IN THE CONTRACTOR'S OPINION WOULD OR COULD RENDER THE DESIGN SHOWN HEREON INAPPROPRIATE OR INEFFECTIVE.
- THIS PLAN IS SUBJECT TO ALL LOCAL AND STATE REGULATORY PERMITS, AGENCY REVIEW AND APPROVAL.
- THE OWNER, OR HIS REPRESENTATIVE, IS TO DESIGNATE AN INDIVIDUAL RESPONSIBLE FOR CONSTRUCTION SITE SAFETY DURING THE COURSE OF SITE IMPROVEMENTS PURSUANT TO N.J.A.C. 5:23-2.21(e) OF THE N.J. UNIFORM CONSTRUCTION CODE AND CFR 1926.32(i) (OSHA COMPETENT PERSON)
- ALL SITE IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE BOROUGH OF HIGHLANDS CONSTRUCTION STANDARDS, WHERE APPLICABLE.
- CONTRACTOR SHALL NOTIFY WH, IF ANY FIELD CONDITIONS ENCOUNTERED DIFFER MATERIALLY FROM THOSE REPRESENTED ON THESE PLANS, AND/OR IF SUCH CONDITIONS, IN THE CONTRACTOR'S OPINION, WOULD RENDER THE DESIGNS SHOWN ON THESE PLANS INAPPROPRIATE OR INEFFECTIVE.
- REFUSE & RECYCLING WILL BE HANDLED BY A PRIVATE HAULER AND WILL COMPLY WITH ALL APPLICABLE REGULATIONS.
- PURSUANT TO 7-7-2.2 (a) 5.i, A CAFRA PERMIT IS NOT REQUIRED, AS THERE ARE LESS THAN 50 PARKING SPACES.
- THIS IS A SITE DEVELOPMENT PLAN AND NOT A SURVEY
- THIS APPLICATION IS FOR A CHANGE OF USE & FOR THE ADDITION OF PARKING LOT STRIPING ALONG WITH A REFUSE & RECYCLING CONTAINER. NO EXTERNAL BUILDING MODIFICATIONS OR NEW IMPERVIOUS AREAS ARE PROPOSED.
- THESE PLANS HAVE BEEN PREPARED FOR THE PURPOSES OF MUNICIPAL AND OTHER AGENCY REVIEW AND APPROVAL.

SITE PLAN

LOT 6 OF BLOCK 47

TAX MAP SHEET # 11

BOROUGH OF HIGHLANDS

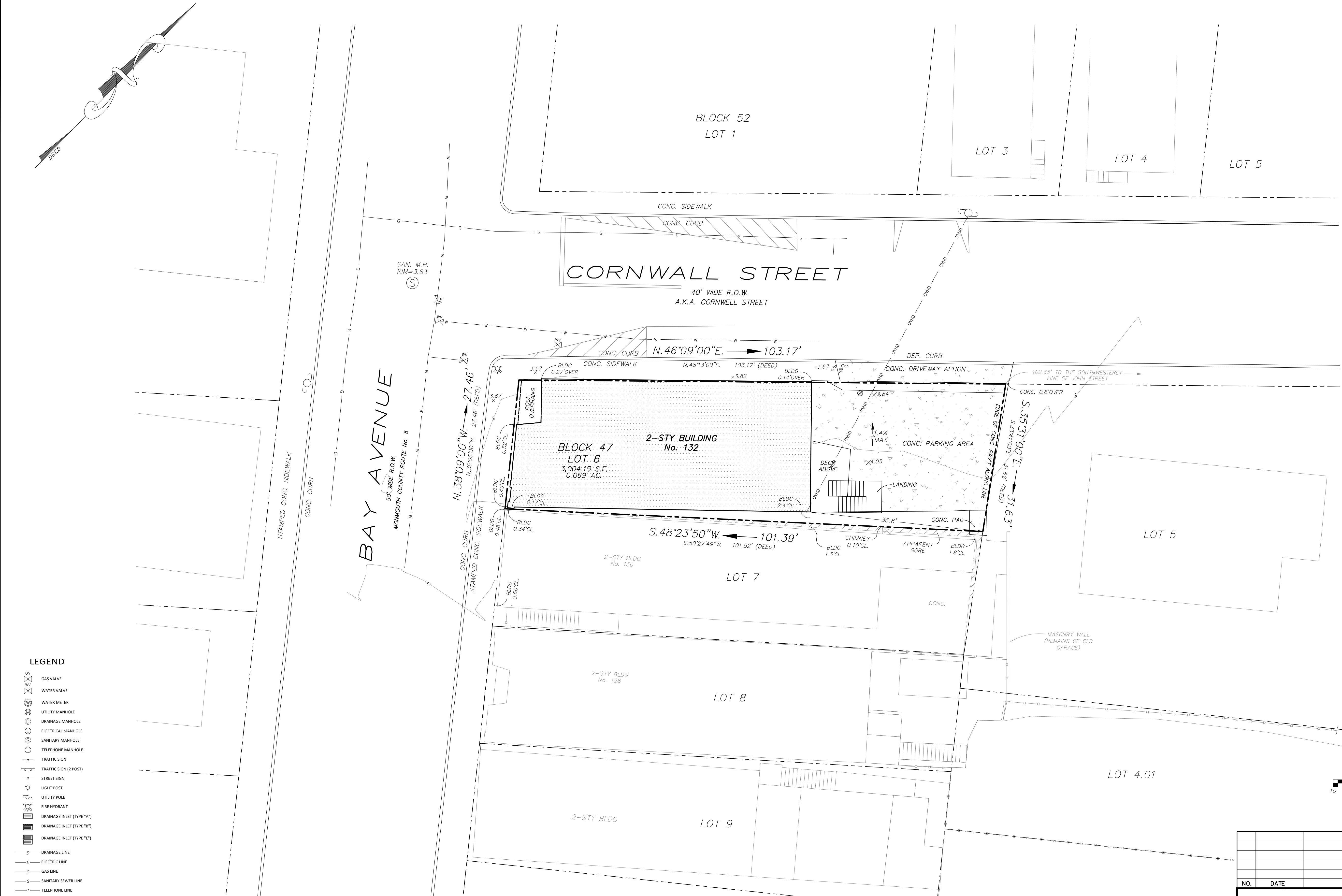
MONMOUTH COUNTY, NJ

JOB NUMBER 22190

WH ENGINEERING
 CERT. OF AUTH. NO. 246A28117300
 257 MONMOUTH ROAD, BLDG. A, SUITE 7, OAKHURST, NJ 07755
 PHONE - 732-223-1313

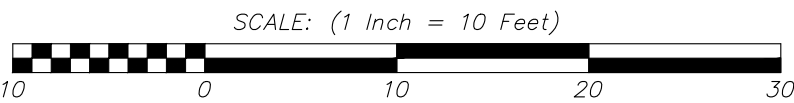
WALTER JOSEPH HOPKIN
 N.J. PROFESSIONAL ENGINEER, LIC. NO. 40673



Walter Joseph Hopkin

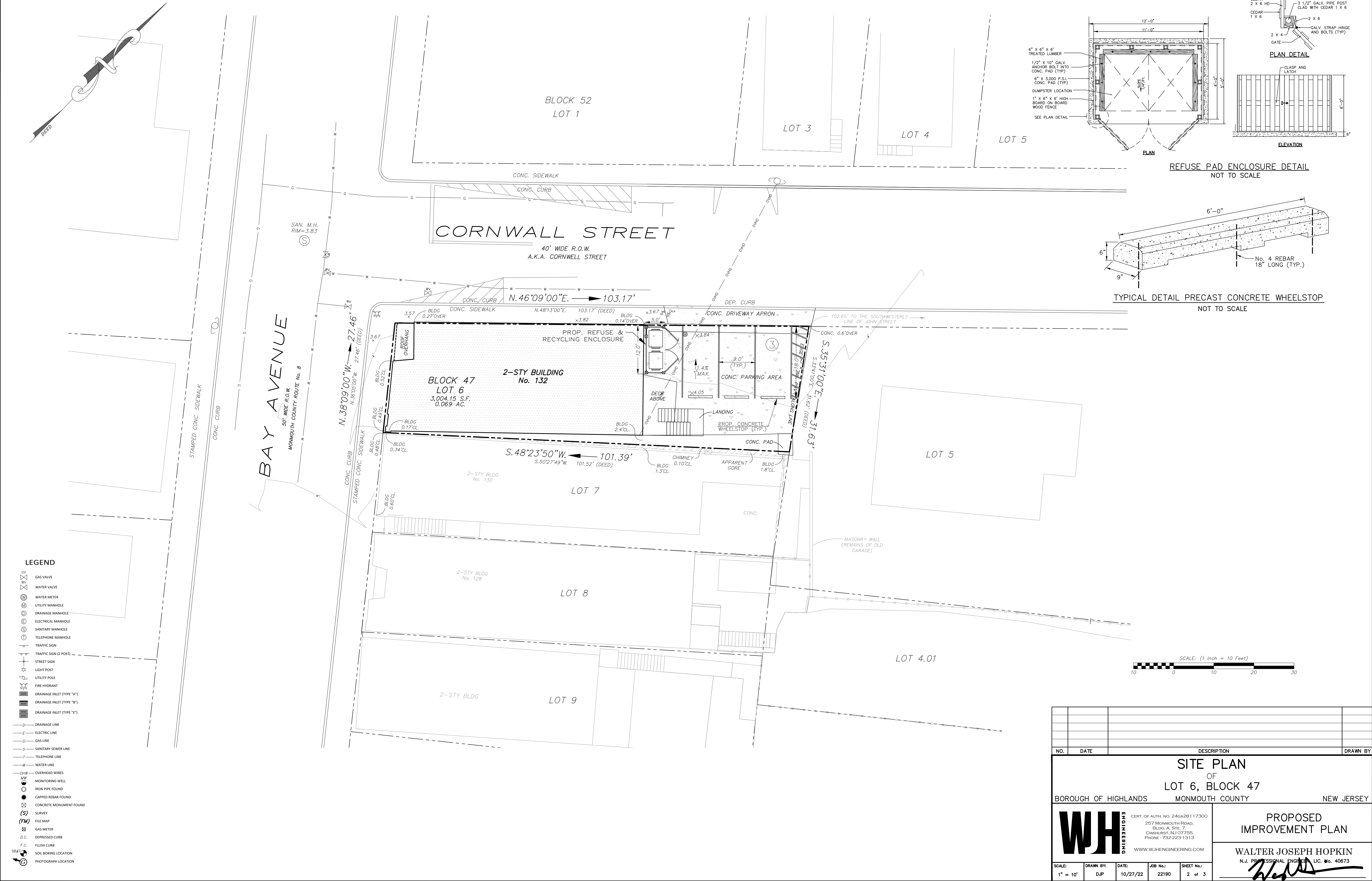


LEGEND

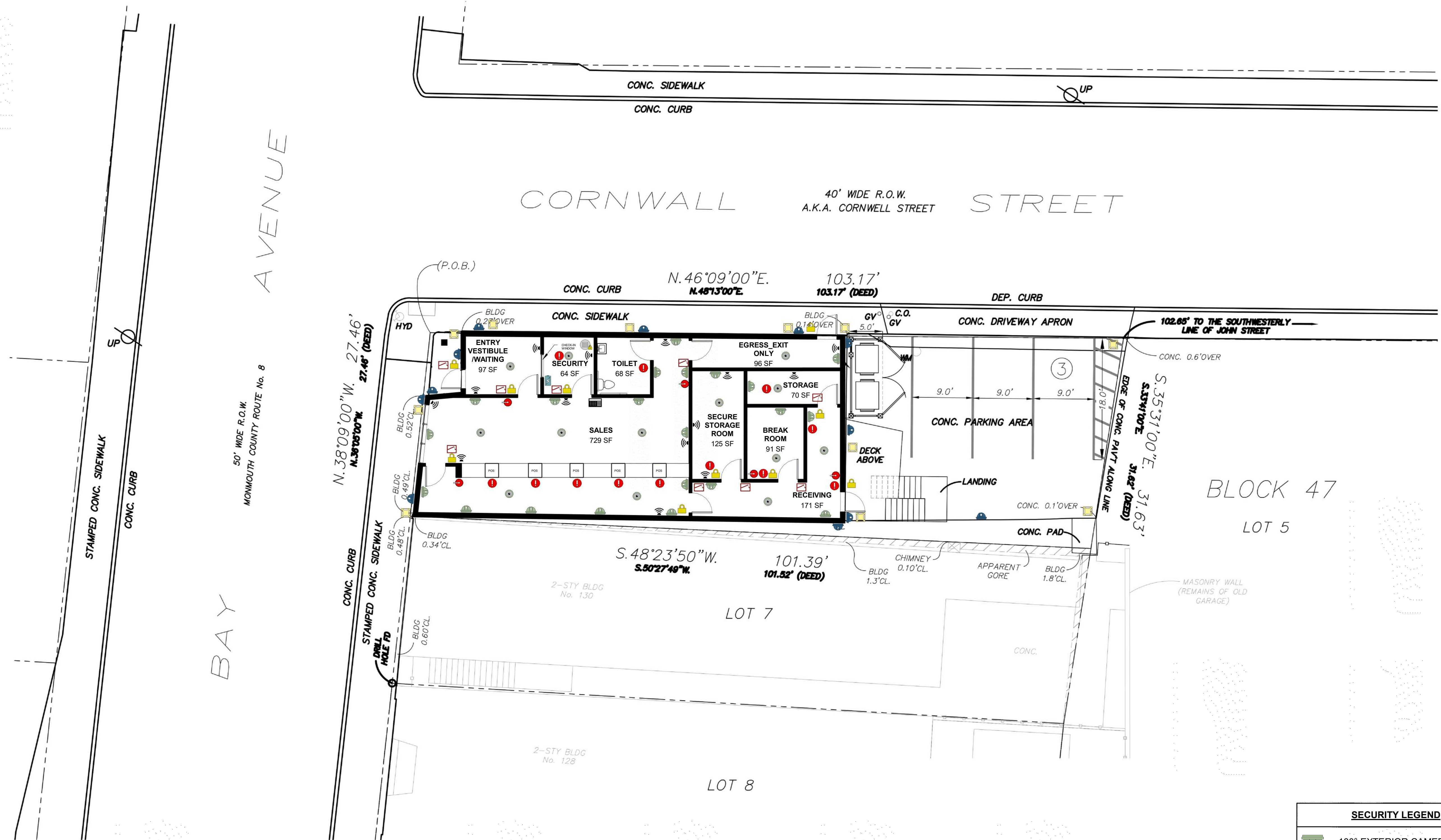
- GAS VALVE
- WATER VALVE
- WATER METER
- UTILITY MANHOLE
- DRAINAGE MANHOLE
- ELECTRICAL MANHOLE
- SANITARY MANHOLE
- TELEPHONE MANHOLE
- TRAFFIC SIGN
- TRAFFIC SIGN (2 POST)
- STREET SIGN
- LIGHT POST
- UTILITY POLE
- FIRE HYDRANT
- DRAINAGE INLET (TYPE "A")
- DRAINAGE INLET (TYPE "B")
- DRAINAGE INLET (TYPE "C")
- DRAINAGE LINE
- ELECTRIC LINE
- GAS LINE
- SANITARY SEWER LINE
- TELEPHONE LINE
- WATER LINE
- OVERHEAD WIRES
- MONITORING WELL
- IRON PIPE FOUND
- CAPPED REBAR FOUND
- CONCRETE MONUMENT FOUND
- SURVEY
- FILE MAP
- GAS METER
- DEPRESSED CURB
- FLUSH CURB
- SOIL BORING LOCATION
- PHOTOGRAPH LOCATION

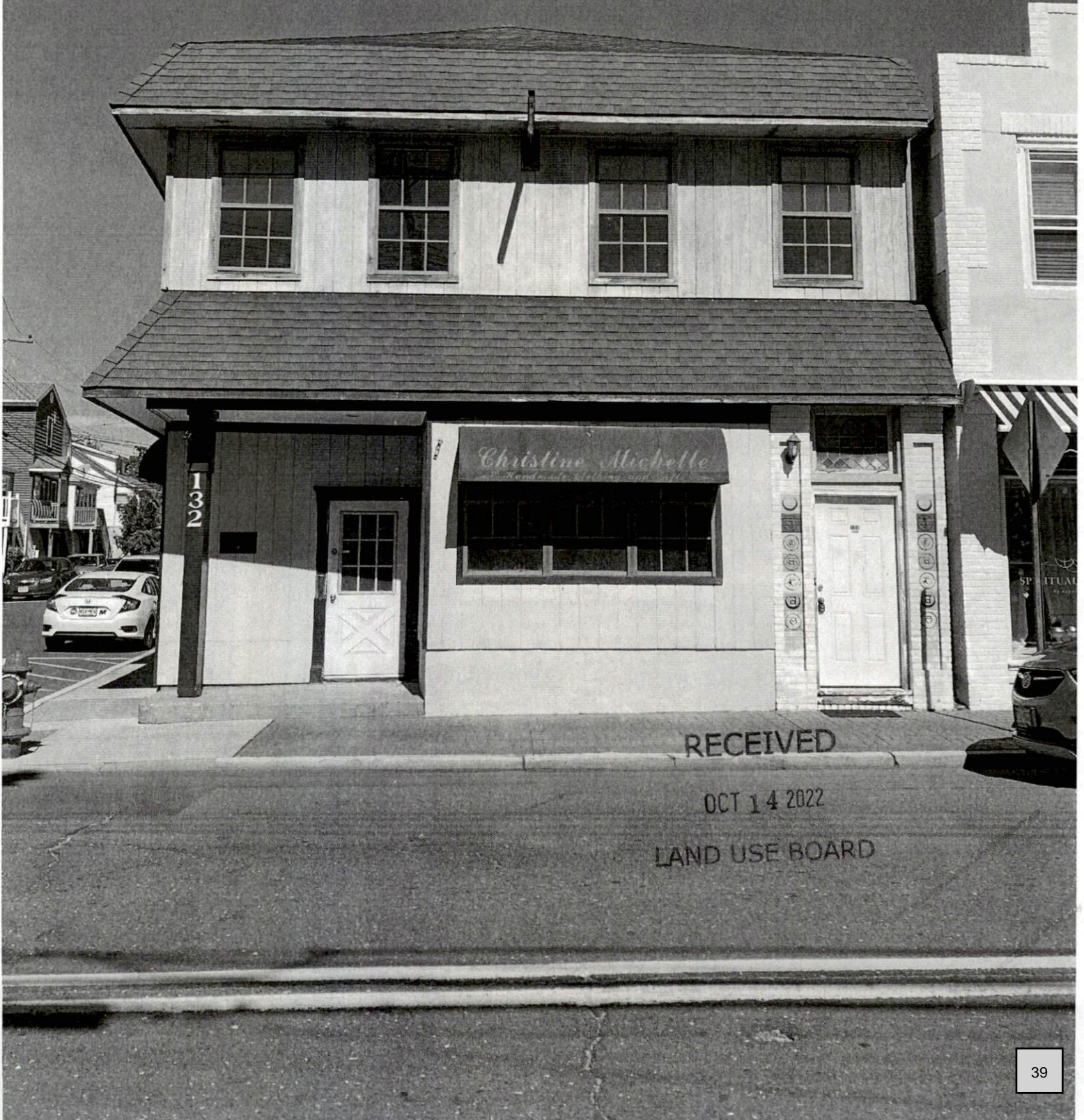


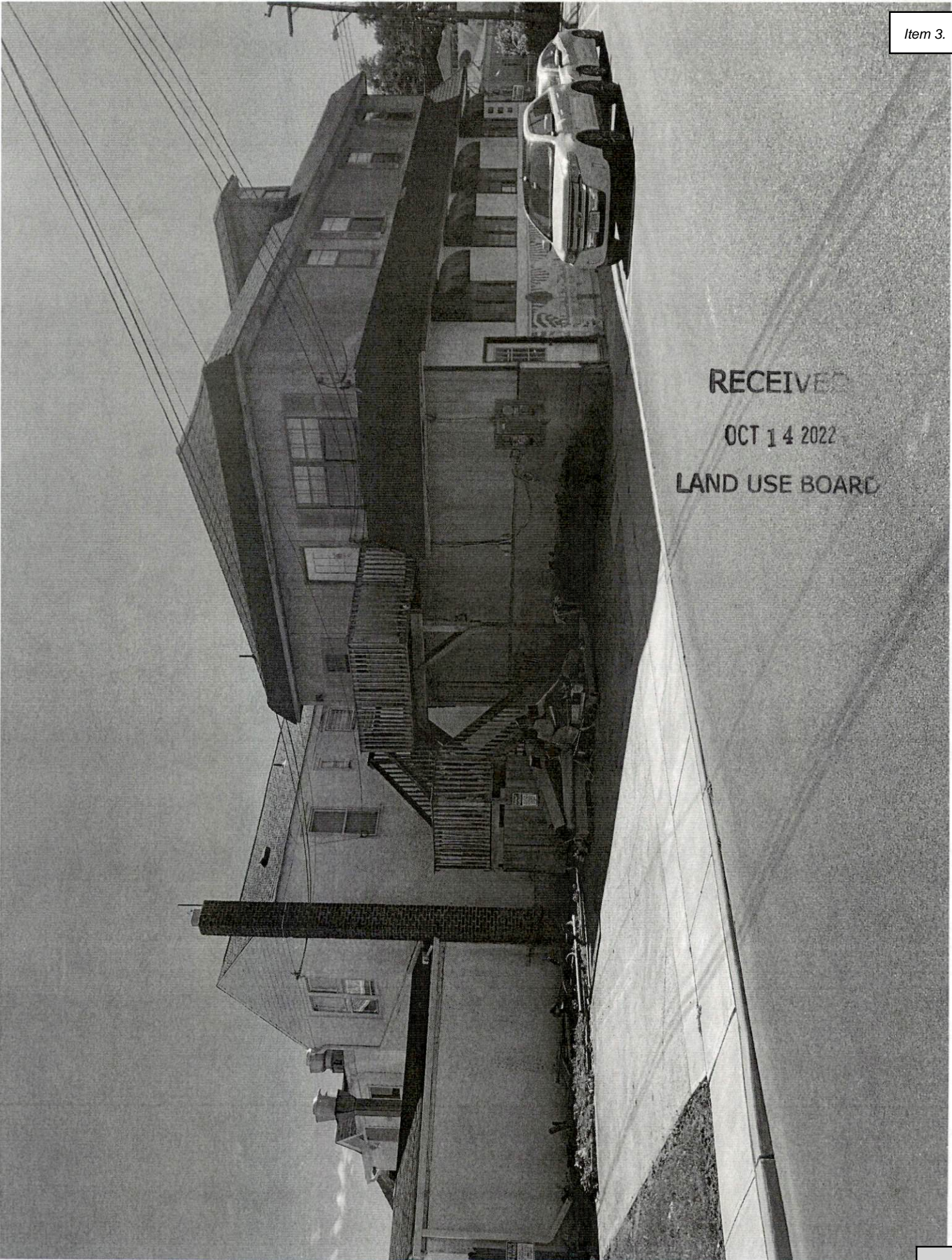
NO.	DATE	DESCRIPTION			DRAWN BY
SITE PLAN					
OF					
LOT 6, BLOCK 47					
BOROUGH OF HIGHLANDS		MONMOUTH COUNTY		NEW JERSEY	
		CERT. OF AUTH. NO. 246A28117300 257 MONMOUTH ROAD, BLDG. A, STE. 7, CARLISLE, NJ 07735 PHONE: 732.223.1313 WWW.WJHENGINEERING.COM		EXISTING CONDITIONS PLAN	
				WALTER JOSEPH HOPKIN N.J. PROFESSIONAL ENGINEER, LIC. No. 40673 	
SCALE: 1" = 10'	DRAWN BY: DJP	DATE: 10/27/22	JOB No.: 22190	SHEET No.: 2 of 3	











RECEIVED

OCT 14 2022

LAND USE BOARD



Update

Borough of Highlands
42 Shore Drive, Highlands, NJ 07732
Phone: (202) 872-1224
www.highlandsborough.org

Item 3.

Zoning Permit Application

Already Paid

Note: All applications must be submitted with a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

The following NON-REFUNDABLE fees shall apply: Residential Single & Two-Family \$25 ☐ Check # ☐ Cash ☐
Commercial/Other residential \$50 ☒ Check # 283 ☐ Cash ☐

APPLICANT Name: Bridge City Collective Highlands LLC Date: 6/22/2022
Address: PO Box 2189 Pittsfield MA 01202
Phone# 201-744-9380 Email: breiter@bridgecitycollective.com

LOCATION OF THE WORK

Block: 47 Lot(s): 6 Zone: CBD
Street Address: 132 Bay Ave

DESCRIPTION OF THE WORK TO BE PERFORMED (OR USE PROPOSED)

Description of Work: Tenant displays and fixtures, and decorating
Use Proposed: New Jersey Cannabis Regulatory Commission
Class 5 Licensee - Cannabis retail and delivery services.
No onsite use or consumption of marijuana products.

Check one: ☐ New* ☐ Addition* ☐ Alteration ☐ Repair ☒ Other

I certify the attached survey is accurate relating to existing and proposed improvements. In addition, I grant permission to the Borough of Highlands and their Agents to come onto the subject property, for the purposes of conducting inspections, relating to the application.

YES ☒ NO ☐

Signature: _____

Date: 6/22/2022

FLOOD HAZARD AREA DETERMINATION

Check applicable Flood Zone: ☒ AE ☐ VE ☐ X

All applications within the AE and VE Flood Zones, as indicated upon the most recent FEMA Flood Maps, require submission of a determination from the NJDEP.

BOROUGH HALL USE ONLY

Determination: Approved ☐ Denied ☒

Zoning Officer: _____

If your application has been DENIED, it is due to the following:

Date: 9-14-22

Ordinance Section

Allowed/Required

Proposed

Remarks:

AS A CONDITIONAL USE, NEEDS LAND USE BOARD APPROVAL

Note: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands. A building permit is required (per the requirements of the Uniform Construction Code of NJ) BEFORE beginning work. The Zoning Permit is valid for one year. If your application has been denied, you may appeal this denial to the Land Use Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to the Land Use Board Secretary within 20 days.

* Note: Applications for New and Addition require a Flood Plain Review Application to the Borough Flood Administrator upon submission of this application.

BRANT REITER
40 E. 43RD ST. APT. 2
BAYONNE, NJ 07002

289
55-2/212 8836

Item 3.

10/13/22
Date

Pay to the Order of Borough of Highlands \$ 250
Two Hundred Fifty Dollars

N.A. All rights reserved.



Wells Fargo Bank, N.A.
New Jersey
wellsfargo.com

Bee Highlands
132 Bay Ave



Photo Safe Deposit
Details on back

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.



Valley National Bank

DATE 10/14/2022

CURRENCY	COIN	LIST EACH CHECK	DOLLARS	CENTS
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			250	00

PATRICK J DEBLASIO
BOROUGH OF HIGHLANDS
CURRENT FUND
42 SHORE DRIVE
HIGHLANDS, NJ 07732-1756

⑆021201383⑆ ⑈000041935845⑈

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.
BRANT REITER
40 E. 43RD ST. APT. 2
BAYONNE, NJ 07002

10/13/22
Date

55-2/212 8836

Pay to the Order of Borough of Highlands \$ 1,000
One Thousand Dollars

© 2012 WFB N.A. All rights reserved.



Wells Fargo Bank, N.A.
New Jersey
wellsfargo.com

Bee Highlands
132 Bay Ave

For Escrow Payment / Land Use Application



Photo Safe Deposit
Details on back

RECEIVED

⑆021200025⑆ 2587972999⑈ 00290

OCT 14 2022

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.



Valley National Bank

DATE 10/14/2022

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			1,000	00

BOROUGH OF HIGHLANDS
GENERAL TRUST ACCOUNT
42 SHORE DRIVE
HIGHLANDS NJ 07732

Bridge City Coll.

T-03-56-875-000-175

⑆021201383⑆ ⑈000041936019⑈

LAND USE BOARD

55-138/212

TOTAL ITEMS

PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED.

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

1000.00

UB0022-07



HGPB- R1960

November 1, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
First Completeness Review**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, Section 21-58.D – Minor Site Plan.

The applicant submitted the following documents in support of this application:

1. Site Plan prepared by Walter J. Hopkin, P.E., dated October 27, 2022, consisting of three (3) sheets.
2. Architectural Floor Plan (Layout and Security Plan) and Site Location Map prepared by USA Architects, dated October 20, 2022, consisting of two (2) sheets.
3. Land Use Board Application and supporting documents, dated October 14, 2022.
4. Cannabis Retailer License Application and supporting documents, dated October 19, 2022.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.D:

Preliminary Site Plan (Minor): The preliminary site plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include such details as may be necessary to properly evaluate the application and determine compliance with this chapter. The site plan shall be drawn by a licensed New Jersey professional engineer and land surveyor and, where applicable to the proposed use or construction, the following information shall be clearly shown.

1. Date, name, location of site, name of owner, scale and reference meridian. **Provided.**
2. Area of the lot and all lot line dimensions and bearings. **Provided.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Provided.**
4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Provided.**
5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not applicable. No new buildings or paved areas are**



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan and Conditional Use Variance
First Completeness Review

proposed. The applicant intends to utilize the first floor of the existing building and the existing concrete parking area.

6. The location and widths of existing and proposed streets servicing the site plan. **Provided.**
7. Specifications for and location of proposed surface paving and curbing. **Not applicable. The applicant intends to utilize the existing concrete parking area.**
8. Location of all structures within seventy-five (75) feet of the property. **Provided.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Provided.**
10. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable. No storm water management features are proposed.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Provided.**
12. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Provided.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided, but site is existing and almost fully built out.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Provided.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Partially provided. A trash enclosure area is shown. The applicant intends to utilize the existing building and retain all utility connections.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices,



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan and Conditional Use Variance
First Completeness Review

signs and lighting fixtures. **The applicant did not provide information on site lighting or proposed signage.**

18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided. The existing building's first floor elevation is not specified, but is estimated to be approximately elevation 4.0. The existing building is located within flood zone AE-11. Therefore, the building renovation plans should be designed in accordance with FEMA standards and the Borough of Highlands Flood Damage Prevention Ordinance requirements. I defer to the Borough Floodplain Manager for further review.**
19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Provided.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
21. Soil Borings, when required by the Board Engineer. **Not required.**
22. Certification statement for the required municipal signatures, stating: **Provided.**
 - Application No. _____ approved/disapproved by the Highlands Land Use Board as a Minor Site Plan on _____.

(date)

Chairman

Secretary
23. Certification statement for the County Planning Board approval / disapproval, if required. **Project fronts on a County Road, therefore approval or letter of no interest will ultimately be required from the County Planning Board.**
24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter. **Informational.**

Per Section 21-97.M of the Ordinance, a cannabis retailer may be permitted in the Central Business District (CBD) Zone provided that applicable Article XI Design Standards are met together with any other requirements deemed necessary by the Land Use Board and applicable requirements of this chapter. **Prior to the public hearing the applicant shall provide a narrative outlining compliance with all Article XI Design Standards, and any applicable relief required/requested.**



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan and Conditional Use Variance
First Completeness Review

It should be noted that this project is located within the Central Business District (CBD) Zone. The property is also located within the CBD Redevelopment Overlay 2 (C-RO-2) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone criteria, but one or the other shall be identified.

Several items noted above have not been submitted to the Board, however adequate information has been provided in order to perform a technical review of the application. **The application shall therefore be deemed COMPLETE, pending confirmation from the Board Secretary that the balance of fees and escrows have been posted.**

We will also commence technical review upon same notification.

The application fee and escrow fee calculation letter will be provided under separate cover.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWH:KJO:DV

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)
Bridge City Collective Highlands, LLC, Applicant (breiter@bridgecitycollective.com)
Brian R. Tipton, Esq., Applicant's Attorney (btipton@floriolaw.com)
Walter J. Hopkin, P.E., Applicant's Engineer, (whopkin@wjhengineering.com)

\\tandmassociates.local\Public\Projects\HGPB\R1960\Correspondence\Tran_ EWH_Bridge City Collective Highlands LLC_First Completeness Review.docx



HGPB- R1960

November 1, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
Fee Determination**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

The applicant submitted the following documents in support of this application:

1. Site Plan prepared by Walter J. Hopkin, P.E., dated October 27, 2022, consisting of three (3) sheets.
2. Architectural Floor Plan (Layout and Security Plan) and Site Location Map prepared by USA Architects, dated October 20, 2022, consisting of two (2) sheets.
3. Land Use Board Application and supporting documents, dated October 14, 2022.
4. Cannabis Retailer License Application and supporting documents, dated October 19, 2022.

Please note the following fee calculations:

- | | |
|----------------------------|-------------------|
| 1. Application fee: | \$2,350.00 |
| 2. Escrow fee: | \$4,700.00 |

Please note that the initial application deposits shall be deducted from the total fees shown.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWB:KJO:DV



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
Fee Determination**

**cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)
Bridge City Collective Highlands, LLC, Applicant (breiter@bridgecitycollective.com)
Brian R. Tipton, Esq., Applicant's Attorney (btipton@floriolaw.com)
Walter J. Hopkin, P.E., Applicant's Engineer, (whopkin@wjhengineering.com)**

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HGPB-R1960

DETERMINATION OF FEES*
 Bridge City Collective Highlands LLC - 132 Bay Avenue
 Block 47 Lot 6

A. APPLICATION FEES (Ord. 21-107)

A. Variances

3. Nonresidential "c" (maximum building coverage)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (maximum lot coverage)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (side yard setback per 21-91.A.4.a)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (Outdoor living space per 21-91.A.4.b)	1	EA	\$	250.00	\$	250.00
4. Nonresidential "d3" (Section 21-97.M)	1	EA	\$	500.00	\$	500.00
Nonresidential "d4" (maximum floor area ratio)	1	EA	\$	500.00	\$	500.00

C. Site Plans

2. Minor	1	EA	\$	100.00	\$	100.00
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E. Conditional Use Applications	1	EA	\$	250.00	\$	250.00
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B. ESCROW FEES (Ord. 21-108)

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	4,700.00	\$	4,700.00
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Application fees subtotal \$ 2,350.00

Escrow fee subtotal \$ 4,700.00

Total \$ 7,050.00

*It should be noted that this application is being reviewed under the Central Business District (CBD) Zone criteria. The property is also located within the CBD Redevelopment Overlay 2 (C-RO-2) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone criteria.

HGPB- R1960

November 15, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

DRAFT

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for Minor Site Plan and Conditional Use (Variance) approval. The applicant submitted the following documents in support of this application:

1. Site Plan prepared by Walter J. Hopkin, P.E., dated October 27, 2022, consisting of three (3) sheets.
2. Architectural Floor Plan (Layout and Security Plan) and Site Location Map prepared by USA Architects, dated October 20, 2022, consisting of two (2) sheets.
3. Land Use Board Application and supporting documents, dated October 14, 2022.
4. Cannabis Retailer License Application and supporting documents, dated October 19, 2022.

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

A. Project Description

The 3,004 square foot property is currently a developed corner lot with a two-story, 1,676 square foot footprint, vacant mixed-use building containing retail space on the first floor and residential apartments on the second floor. The site is located in the Central Business District (CBD) Zone and the CBD Redevelopment Overlay 2 (C-RO-2) Zone of the Borough with frontage along Bay Avenue (County Route 8) and Cornwall Street. With this application, the applicant is seeking minor site plan and conditional use (variance) approval and is proposing to convert the first floor of the mixed-use building into a cannabis retail store while maintaining the existing second floor residential apartment space. The proposed cannabis retail use is a permitted conditional use in the CBD Zone and C-RO-2 Zone.

B. Planning and Zoning

1. The subject property is located within the CBD Zone and C-RO-2 Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

criteria and shall provide testimony confirming one or the other. The plans shall be revised to specify which Zone criteria is applicable and be designed in accordance with same.

2. In accordance with Section 21-91 of the Ordinance regarding CBD Zone criteria, existing/proposed bulk deficiencies are noted as follows:

CBD Zone	Required	Existing	Proposed
Minimum Lot Size	NA	3,004 SF	3,004 SF
Minimum Lot Frontage – Bay Avenue (County Route 8)	NA	27.46'	27.46'
Minimum Lot Frontage – Cornwall Street	NA	103.17'	103.17'
Minimum Lot Depth – Bay Avenue (County Route 8)	NA	102.28'	102.28'
Minimum Lot Depth – Cornwall Street	NA	29.55'	29.55'
Minimum Front Yard Setback – Bay Avenue (County Route 8)	0'	0.49'	0.49'
Minimum Front Yard Setback – Cornwall Street	0'	0'	0'
Minimum Rear Yard Setback	12'	36.82'	36.82'
Minimum Side Yard Setback*	5'	0.17' ^(E)	0.17' ^(V)
Maximum Building Height	36'	>36' ^(E)	>36' ^(NS)
Maximum Building Coverage**	35%	57.19% ^(E)	57.19% ^(V)
Maximum Lot Coverage	80%	93.03% ^(E)	93.03% ^(V)
Floor Area Ratio	0.65	1.10 ^(E)	1.10 ^(V)
Open Space Area per Section 21-91.A.4.b of the Ordinance	300 SF	0 SF ^(E)	0 SF ^(V)

(E) – Existing Non-conformity
(C) – Calculated
(W) – Waiver
(V) – Variance
NA – Not Applicable



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

NS – Not Specified, the applicant shall confirm this dimension

*Section 21-91.A.4.a of the Ordinance indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.

**The applicant shall provide testimony on the proposed building height to confirm whether a variance is required. The building height shall be provided based on the Ordinance definition from the “grade plane” (BFE + 1’) to the midline of the roof.

3. In accordance with Section VII of the Central Business District Redevelopment Plan regarding C-RO-2 Zone criteria, existing/proposed bulk deficiencies are noted as follows:

C-RO-2 Zone	Required	Existing	Proposed
Minimum Lot Size	NA	3,004 SF	3,004 SF
Minimum Lot Frontage – <i>Bay Avenue (County Route 8)</i>	NA	27.46’	27.46’
Minimum Lot Frontage – <i>Cornwall Street</i>	NA	103.17’	103.17’
Minimum Lot Depth – <i>Bay Avenue (County Route 8)</i>	NA	102.28’	102.28’
Minimum Lot Depth – <i>Cornwall Street</i>	NA	29.55’	29.55’
Minimum Front Yard Setback – <i>Bay Avenue (County Route 8)</i>	2’	0.49’ (E)	0.49’ (V)
Minimum Front Yard Setback – <i>Cornwall Street</i>	2’	0’ (E)	0’ (V)
Minimum Rear Yard Setback	12’	36.82’	36.82’
Minimum Side Yard Setback*	5’	0.17’ (E)	0.17’ (V)
Maximum Building Height**	40’	>36’	>36’ (NS)
Maximum Building Coverage	80%	57.19%	57.19%
Maximum Lot Coverage	80%	93.03% (E)	93.03% (V)
Floor Area Ratio	NA	1.10	1.10



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

C-RO-2 Zone	Required	Existing	Proposed
Open Space Area per Section VII of the CBD Redevelopment Plan	200 SF	0 SF ^(E)	0 SF ^(V)

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

*Section VII.A of the Central Business District Redevelopment Plan indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.

**The applicant shall provide testimony on the proposed building height to confirm whether a variance is required. The building height shall be provided based on the Ordinance definition from the “grade plane” (BFE + 1’) to the midline of the roof.

4. Building height calculations in accordance with the Borough’s definition of “Building Height” and “Grade Plane” as noted in Section 21-8 of the Ordinance shall be provided.
5. Although cannabis retail is a conditionally permitted use in the CBD Zone, the development does not meet the following requirements of Section 21-97.M of the Ordinance:
 - a. Section 21-97.M of the Ordinance permits one (1) cannabis retailer in the CBD Zone provided that applicable Article XI Design Standards are met, whereas the applicant does not meet numerous applicable design standards.

Since all of the conditional use requirements are not met, a “d(3)” use variance is therefore required.

6. The following design waivers are required:
 - a. Section 21-65.3 of the Ordinance requires buffers be provided on the perimeter of all non-residential uses abutting residential zones or uses, whereas no buffer is provided adjacent to the residential use of Lot 5. The Board should determine if a landscaping buffer plan is required.
 - b. Section 21-65.10A of the Ordinance indicates that all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped, and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided as part of this application. The Board should determine if a landscaping plan is required.



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

- c. Section 21-65.10.C.1 of the Ordinance indicates that in non-residential zones landscape plans shall specify the location of the planting material, their minimum size at time of planting and size at full growth, quantity, variety, species (common name) and method of planting. The Board should determine if a landscaping plan is required, given that the balance of the site is pre-existing building and concrete parking area.
 - d. Section 21-65.11 of the Ordinance speaks to lighting requirements for drives, aisles, and parking areas. The applicant did not provide any explicit lighting evaluation nor documentation of compliance with the Ordinance standards.
 - e. Section 21-65.13 of the Ordinance speaks to off-street loading requirements. The applicant did not provide an off-street loading zone nor documentation of compliance with the Ordinance standards.
 - f. Section 21-65.14.D.7a.2 of the Ordinance and Table 4.4 of N.J.A.C. Section 5:21-4.14 of R.S.I.S. require a total of 6 off-street parking spaces, whereas 3 are proposed.
 - g. Section 21-65.14.D.3 of the Ordinance indicates no change in use within a building shall be allowed unless it can be shown how sufficient parking will be provided for the new use. The applicant does not demonstrate adequate parking per the Ordinance.
7. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
- a. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
 - b. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

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8. In order for the Board to approve a "d(3)" variance, the applicant must satisfy the following:

With respect to the “positive criteria”, our courts have held that applicants seeking a conditional use variance must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the Ordinance established to address those problems. This leaves the Board to focus on the *particular suitability* of the site in accommodating the use despite its failure to meet the conditions. The Board shall consider whether there are particular features of the site that lessen or entirely offset the failure to meet the Ordinance conditions and then whether there are conditions that the Board could require that would offset the failure.

With respect to the “negative criteria”, the applicant shall demonstrate that the variance can be granted without substantial detriment to the public good. The focus here should be on the impact of the proposed use variance on adjacent properties and a determination of whether or not it will cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good.

Additionally, the applicant shall demonstrate that the grant of the variance for this specific project at the designated site is reconcilable with the Borough’s legislative determination that the condition should be imposed on all conditional uses in that zoning district, such that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

9. If the applicant is pursuing consideration under the standard CBD Zone, **a d(4) use variance for floor area may also be implicated.** We note that this is a pre-existing building and condition, and it is unclear whether any prior approvals were granted.

C. Site Requirements & Layout

1. The applicant does not propose any off-site improvements as part of this application.
2. The property in question is 3,004 square feet in size and is currently a developed corner lot with a two-story, 1,676 square feet footprint, vacant mixed-use building containing retail space on the first floor and two (2) one-bedroom apartments on the second floor. The applicant proposes to convert the first floor of the mixed-use building into a 1,676 square feet cannabis retail store while maintaining the existing second floor residential apartment space.
3. The site circulation includes one (1) driveway entrance on Cornwall Street. The driveway allows ingress and egress directly into the proposed parking facilities with no circulation around the site.
4. Under the CBD Zone, for the cannabis retail use, Section 21-65.14.D.7.a.2 of the Ordinance requires one (1) off-street parking space per 300 square feet of retail store gross floor area exceeding 1,000 square feet. For the residential use, Table 4.4 of N.J.A.C. Section 5:21-4.14



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
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Minor Site Plan & Conditional Use Variance
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of R.S.I.S. requires 1.8 off-street parking spaces per one-bedroom garden apartment. The following is a summary of the required off-street parking spaces:

Cannabis Retail:	1 space/300 SF (over 1,000)	@ 1,676 SF	2.25 spaces
One-Bedroom Apartment:	1.8 spaces per unit	@ 2 units	<u>3.60 spaces</u>

Total Required Spaces: 6 spaces

A total of 6 parking spaces are required per CBD Zone criteria, whereas 3 parking spaces are proposed. A design waiver is therefore required. The applicant shall provide testimony on the anticipated parking demand and adequacy of the proposed number of parking spaces.

5. Table 208.2 of the 2010 ADA standards indicates that 1 ADA accessible parking space is to be provided when there are between 0 and 25 parking spaces, whereas no ADA accessible parking spaces are provided. The plans shall be revised to provide the appropriate number of ADA accessible parking spaces, or documentation shall be provided regarding any applicable exemption criteria.
6. An ADA accessible route shall be clearly delineated on the plans from the parking lot to the building entrance. It appears that the most likely route would include at least a portion of the existing site driveway apron which does not appear to be an ADA compliant walkway. Grading information (spot shots) shall be provided for the ADA accessible route to confirm compliance with current ADA standards. Reconstruction of the driveway apron and adjoining sidewalks may be required.
7. The applicant shall provide testimony on whether employee and/or apartment-specific parking spaces will be specified on-site.
8. We recommend that the applicant consider installing bike racks for the potential use of employees and/or customers.
9. The applicant shall provide testimony on truck loading areas required as part of the proposed improvements. All loading areas shall be clearly indicated on the plans.
10. It should be noted that should the applicant elect to prepare the application in accordance with the C-RO-2 Zone criteria the application will be subject to all applicable vehicle parking, bicycle parking, buffering, and other redevelopment zone requirements and design standards.

D. Traffic Impact

1. The applicant has not provided a traffic impact report. Though this is an existing site, the property has been vacant for an extended period of time and does not currently see any daily traffic. Additionally, the applicant proposes a change in use to the property and does not currently see daily traffic reflective of this use. The applicant's engineer shall provide



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

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testimony on the proposed traffic to be generated, circulation around the site, and whether any additional signage or pavement markings are necessary.

2. In our experience with cannabis retail facilities there is a significant demand for on-site parking and pedestrian queuing along the facility's building and adjacent sidewalks. The applicant shall provide testimony on vehicular and pedestrian queueing expectations, logistics, and layout.
3. The applicant shall provide testimony as to the frequency and type of trucks that will access the site including those providing deliveries and garbage collection.
4. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times, and frequency of refuse pickup.
5. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering, as well as traffic lane markings.

E. Technical Engineering

1. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a "major development" as defined by NJAC. 7:8, and is not subject to the NJDEP Stormwater Management stormwater quantity, quality and recharge requirements of a major development.
2. The applicant shall provide testimony on existing drainage patterns along with roof leader locations and/or downspout discharge locations and condition.
3. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
4. The applicant shall confirm no sanitary sewer or water utilities will be impacted as a result of the subject application.
5. The applicant shall provide testimony on the existing fire service water line size and location. We defer to the Borough Fire Official for review.
6. The applicant shall confirm whether a change in use warrants any upgrades in sanitary sewer service or applicable connection fees.



**Le: Nancy Tran, Land Use Board Secretary
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7. The plans shall be revised to include grading information (spot shots) within the proposed refuse and recycling enclosure to confirm that stormwater runoff will not be trapped in the trash enclosure area.
8. The applicant shall provide testimony on the existing lighting levels throughout the entire site and compliance with Section 21-65.11 of the Ordinance. A lighting plan showing photometric lighting levels of the existing features may be required, and design waivers may be required for any pre-existing non-conformities.
9. All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.
10. The project site is located in the Coastal Area Facilities Review Act (CAPRA) Zone. The applicant shall comply with any applicable NJDEP requirements. The applicant has indicated that a permit is not required for this application. We defer further review to NJDEP.
11. The subject property is located within the "AE" Flood Zone with a Base Flood Elevation (BFE) of 11 feet. The applicant shall specify on the plans the proposed finished floor elevation. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property.

We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.

12. The applicant shall provide testimony on proposed flood mitigation measures.
13. The Building Department should review the architectural plans for ADA compliance.

F. General

1. The applicant shall consider all performance standards for the operations of the proposed facility including but not limited to noise, glare, pollutants, and refuse management, and provide testimony on said standards. Specifically, the applicant shall provide testimony on odor control considering the second-floor residential apartment space.
2. The applicant shall provide testimony on any proposed signage. All signage shall be indicated on the plans and comply with Section 21-65.19 of the Ordinance.
3. The applicant shall provide testimony regarding any mechanical equipment proposed, such as A/C units and backup power generators, as well as any requirements for electric and other meters including any required platforms.



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
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4. The applicant has indicated that no exterior renovations are proposed for the building. The applicant shall discuss interior renovations they have proposed.
5. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.
6. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
7. Testimony shall be provided regarding the proposed uses. The applicant shall be prepared to discuss the following:
 - a. Security and access.
 - b. Hours of operation.
 - c. Number of employees (total and maximum per shift).
 - d. Frequency and type of trucks that will access the site.
 - e. Type of goods to be sold.
8. Approvals or waivers should be obtained from any outside agencies having jurisdiction. These may include, but shall not be limited to, the following:
 - a. New Jersey Department of Environmental Protection
 - i. CAFRA
 - b. Floodplain Official
 - c. Township of Middletown Sewerage Authority
 - d. New Jersey American Water
 - e. Borough Fire Official
 - f. Monmouth County Board of Health
 - g. Monmouth County Planning Board

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T&M ASSOCIATES

DRAFT

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

EWH:KJO

**cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)
Bridge City Collective Highlands, LLC, Applicant (breiter@bridgecitycollective.com)
Brian R. Tipton, Esq., Applicant's Attorney (btipton@floriolaw.com)
Walter J. Hopkin, P.E., Applicant's Engineer, (whopkin@wjhengineering.com)**

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AFFIDAVIT OF PUBLICATION

Item 3.

Publisher's Fee \$55.44 Affidavit \$35.00

STATE OF WISCONSIN
Brown County

Personally appeared D. Roberts at County of Brown, State of Wisconsin.

Of the **Asbury Park Press**, newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue dated as follows:

11/25/2022 A.D 2022

Nicole Jacobs
Notary Public State of Wisconsin County of Brown

8-21-26
My commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

Notice of Hearing

Highlands Borough Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 8th day of December, 2022, a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22 Snug Harbor, Highlands, New Jersey on the application of Bridge City Collective Highlands, LLC that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is owned by 132 Bay Avenue LLC, located at 132 Bay Avenue, Highlands, NJ, also known as Block 47, Lot 6, on the Highlands Tax Map. The property is located in the C-RO-2 Redevelopment zone.

The applicant is seeking minor site plan and conditional use approval for the operation of a Class 5 Retail Cannabis Dispensary pursuant to Ordinance O-21-21 in an existing building on the property. Because the application does not meet the design standards of the C-RO-2 Zone, the applicant seeks a (d)(3) use variance. The applicant is also seeking variances from the C-RO-2 zoning criteria for minimum front yard setback on Cornwall Street where 2 feet is required and the property has zero feet, for minimum front yard setback on Bay Avenue where 2 feet is required and the property has .49 feet, for minimum side yard setback where 5 feet is required and the property has 0.17 feet, for maximum lot coverage where 80% is permitted, and the property has 93.03 % coverage, and for the open space requirement where 200 SF is required, and the property has zero SF.

With respect to parking requirements for the cannabis retail use and the existing two residential one-bedroom apartments, 6 spaces are required pursuant to the cannabis retail use ordinance Section 21-65.14.D.7a.2 and the RSIS NJAC Section 5:21-4.14, but the property only has 3 parking spaces on site. As such, the applicant is seeking a design waiver for the parking relief and will provide testimony in support for such waiver request.

The applicant is also seeking design waivers from Article XI Design Standards. Section 21-65.3 requires buffers to the adjacent residential properties, where the applicant does not have a buffer other than a fence. Section 21-65.10A and 10C require landscaping on the property, where the applicant does not have a landscaping plan. Section 21-65.11 requires lighting for drives, aisles, and parking areas, where the applicant does not have same. Section 21-65.14.D.3 requires sufficient parking, where the applicant does not have same. Section 21-65.13 requires an off-street loading plan, where the applicant intends to utilize its on-site parking for such plan and will provide testimony accordingly. To the extent such plan is not sufficient, the applicant seeks a design waiver for same.

To the extent the Board determines any other variances or waivers are deemed necessary, the applicant will request such relief from the Board.

A copy of the application and supporting documents are on file with the Board Secretary, and may be inspected from Monday through Friday, 9:00 a.m. to 4:00 p.m at the municipal building.

Applicant's Attorney is Brian R. Tipton - 610-691-7900.
(\$55.44)

0005498529 01

Agency:

BRANT REITER
40 E 43RD STREET UNIT 2
BAYONNE, NJ 07002

ATTN: Brant Reiter

Acct: 2017449380

Client:

BRANT REITER
40 E 43RD STREET UNIT 2,
BAYONNE, NJ 07002

Acct No: 2017449380

This is not an invoice

Order #	Advertisement/Description	# Col x # Lines	Rate Per Line	Cost
0005498529	Notice of Hearing - Bridge City - Dec 8 - Rev. 4 NOTICE OF HEARING HIGHLANDS BOROUGH LAND USE BOARD ENOTICE THAT ON THURSDAY EVENING AT 7:00 PM ON THE 8TH DAY OF DECEMBER 2022 A HEARING WILL BE HELD	2 col x 63 lines	\$0.44	\$55.44
		Affidavit of Publication Charge	1	\$35.00
		Tearsheet Charge	0	\$0.00
		Net Total Due:		\$90.44

Run Dates: 11/25/2022

Check #: _____

Date: _____

CERTIFICATION BY RECEIVING AGENCY

I, HAVING KNOWLEDGE OF THE FACTS, CERTIFY AND DECLARE THAT THE GOODS HAVE BEEN RECEIVED OR THE SERVICES RENDERED AND ARE IN COMPLIANCE WITH THE SPECIFICATIONS OR OTHER REQUIREMENTS, AND SAID CERTIFICATION IS BASED ON SIGNED DELIVERY SLIPS OR OTHER REASONABLE PROCEDURES OR VERIFIABLE INFORMATION.

SIGNATURE: _____

TITLE: _____ DATE: _____

CERTIFICATION BY APPROVAL OFFICIAL

I CERTIFY AND DECLARE THAT THIS BILL OR INVOICE IS CORRECT, AND THAT SUFFICIENT FUNDS ARE AVAILABLE TO SATISFY THIS CLAIM. THE PAYMENT SHALL BE CHARGEABLE TO:

APPROPRIATION ACCOUNT(S) AND AMOUNTS CHARGED: P.O. # _____

SIGNATURE: _____

TITLE: _____ DATE: _____

CLAIMANT'S CERTIFICATION AND DECLARATION:

I DO SOLEMNLY DECLARE AND CERTIFY UNDER THE PENALTIES OF THE LAW THAT THIS BILL OR INVOICE IS CORRECT IN ALL ITS PARTICULARS; THAT THE GOODS HAVE BEEN FURNISHED OR SERVICES HAVE BEEN RENDERED AS STATED HEREIN; THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITHIN THE KNOWLEDGE OF THIS CLAIMANT IN CONNECTION WITH THE ABOVE CLAIM; THAT THE AMOUNT HEREIN STATED IS JUSTLY DUE AND OWING; AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE.

Date: 11/25/2022

Federal ID #: 061032273

Signature: _____

D. Roberts

Official Position: Clerk

Kindly return a copy of this bill with your payment so that we can assure you proper credit.

Asbury Park Press
New Jersey Press Media Solutions
P.O. Box 677599

Landuse Secretary

From: Pr. Marti McGrail <cometnewlife@aol.com>
Sent: Saturday, November 5, 2022 8:24 PM
To: Landuse Secretary
Subject: Conditional Use Ordinance 21-97

To Whom It May Concern:

Please be advised that in accordance with Conditional Use Ordinance 21-97 of the following:

New Life Christian Church, 125 Bay Avenue, Highlands, New Jersey, 07732, has operated both a Sunday School and numerous religious classes throughout the week at this facility since 1996. Prior to that religious studies at this facility date back to 1918.

Currently, teaching is done online from this and other locations due to the Covid Pandemic. New Life does not immediately know when in-person studies will resume at this facility. That decision will be determined by safe guidelines to resume classes and worship as set forth by government and healthcare guidelines.

Thank you.

Sincerely for SOULS,

Reverend Martin D. McGrail, Jr.
Pastor
New Life Christian Church
125 Bay Avenue, Highlands, New Jersey, 07732



Item 4.
Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

ck#1052

ck#1051

Date Rec'd: 10/21/2022 Application #: LUB2022-08 Fee: \$250 Escrow: \$750

1. APPLICANT

Name: The Honorable Plant LLC
Address: 308 Harding Road
City: Fair Haven State: NJ Zip: 07704
Phone: 732-687-5660
Email: Thehonorableplant@gmail.com, bdunph
Relation to property: tenant

2. OWNER

Name: Bay Avenue Ventures
Address: 494 Sycamore Ave Suite 100
City: Shrewsbury State: NJ Zip: 07702
Phone: 732-758-1577 x 234
Email: manderson@nppg.com

3. TYPE OF APPLICATION (Check all that apply)

- ☐ Minor Subdivision
- ☐ Major Subdivision – Preliminary
- ☐ Major Subdivision – Final
- ☐ Minor Site Plan
- ☐ Major Site Plan – Preliminary
- ☐ Major Site Plan – Final
- ☐ Variance
- ☐ Use Variance

- ☐ Appeal – Zoning Denial date _____
- ☐ Appeal – Land Use Decision date _____
- ☐ Informal Concept Plan Review
- ☐ Extension of Approval
- ☐ Revision/Resubmission of Prior Application
- ☒ Other Proposed use is for a
Cannabis Retail license - Class 5

4. PROPERTY INFORMATION

Block 46 Lot(s) 3 Address: 123 Bay Avenue, Highlands, NJ 07732
Lot size 0.413 # of Existing Lots 1 # of Proposed Lots 1
Zone CBD Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copies
Has the property been subdivided? ☒ No ☐ Yes If yes, when? _____
Attach copies of approved map or approved resolution
Property taxes paid through Current Sewer paid through Current

5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp **must** be represented by a NJ attorney)

Name: Edward McKenna McKenna, Dupont, Stone & Washburne
Address: P.O. Box 229, 229 Broad St. Red Bank, NJ 07701
Phone: 732-741-6681 Email: yurkow@redbanklaw.com



6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: Bob Burlew - Westgate Construction 54
Address: 546 Jersey Ave
Union Beach, NJ 07735
Phone: 732-850-6103
Email: bobburlew@aol.com

Name: Elizabeth (Beth) Stavola
Address: 8 Sailors Way
Red Bank, NJ 07701
Phone: 732-539-9547
Email: bethstavola@gmail.com

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

The Current owner purchased the property on March 28, 2018. The property contains 2 residential units above the retail space. The residential units are currently occupied and the commercial space has remained vacant since at least March of 2018. The most recent use of the property was a 5,000 plus sq. ft. restaurant and bar with exposed coal fired pizza oven, which is believed to have begun retail operations in the summer of 2012.

B. PROPOSED PLAN –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

Tenant Improvement of existing retail space for use as a Class 5 Retail Cannabis Dispensary
1., 2., & 3. N/A 4. THP will contract with a vendor specializing in secure waste removal
5. Existing hardscape to be replaced 6. Hours of Operation: Mon-Sat 10-7pm, Sun 10-5pm
7. Cannabis and related products 8. the parking lot will have a 24'-0" drive aisle with direct access from Bay Ave. See Attached Plans.

C. ADDITIONAL INFORMATION:

Existing

Proposed

Residential:	How many dwelling units?	<u> </u>	<u> </u>
	How many bedrooms in each unit?	<u> </u>	<u> </u>
	How many on-site parking spaces?	<u> </u>	<u> </u>
Commercial:	How many commercial uses on site?	<u>0</u>	<u>1</u>
	How many on-site parking spaces?	<u>30</u>	<u>30</u>



8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

N/A	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area			
Frontage			
Lot Depth			
Minimum Yard Requirements			
Front Yard Setback			
2 nd Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height			

N/A	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces			
Other (please add)			

9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.

NONE - N/A.



Item 4.
Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

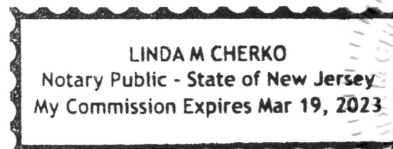
10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this
21 day of October 20 22 (year)
Linda M Cherk (notary)
(Seal)

Dr. Bernadette Dunphy 10/21/22
Signature Date

Dr. Bernadette Dunphy
Print Full Name



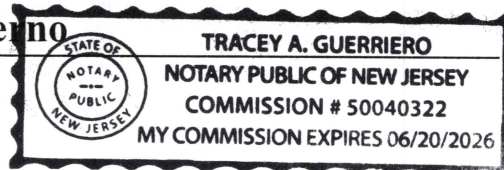
11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this
21 day of October 20 22 (year)
Tracey A. Guerriero (notary)
(Seal)

Tracey A. Guerriero 10/21/22
Signature Date

Michael Salerno
Print Full Name



12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

Is this application to subdivide a parcel of land into six (6) or more lots?	Yes	<input type="radio"/> No
Is this application to construct a multiple dwelling of 25 or more units?	Yes	<input type="radio"/> No
Is this an application for approval of a site(s) for non-residential purposes?	<input checked="" type="radio"/> Yes	No
Is this Applicant a corporation?	Yes	<input type="radio"/> No
Is the Applicant a limited liability corporation?	<input checked="" type="radio"/> Yes	No
Is the Applicant a partnership?	Yes	<input type="radio"/> No

If you circled **YES** to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

The Honorable Plant, LLC

Listed below are the names and addresses of all owners of 10% or more of the stock/interest* in the above referenced business organization:

NAME	ADDRESS
Dr. Bernadette Dunphy	308 Harding Road, Fair Haven, NJ 07704
Jacquelyn Bruckmann	8 Sailors Way, Red Bank, NJ 07701

*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this

21 day of October 2022 (year)

Linda M Cherkos (notary)

(Seal)

Dr. Bernadette Dunphy

Signature (Officer/Partner)

10/21/22

Date

Dr. Bernadette Dunphy - Manager

Print Full Name

Title

LINDA M CHERKO
Notary Public - State of New Jersey
My Commission Expires Mar 19, 2023



Notice to be Published in Official Newspaper

Notice of Hearing

Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 10th day of November, a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22 Snug Harbor, Highlands New Jersey on the application of the undersigned that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is located at
123 Bay Avenue, Highlands, NJ 07732

also known as Block 46, Lot(s) 3, on the Highlands Tax Map.

The property is located in the CBD zone.

The applicant is seeking:

Proposed use is for a Cannabis Retail License - Class 5

For the purpose of (list reasons for Zoning denial)

Land Use Board Approval is Required.

A copy of the application and documents are on file with the Board Secretary, and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

The Honorable Plant, LLC

[Name of Applicant, and/or applicant's attorney]

[This notice must be published at least 10 days prior to the hearing
in the Asbury Park Press or the Two River Times.]



Proof of Service

Affidavit of Proof of Service

State of New Jersey)

SS.

County of Monmouth)

I, _____, of full age, being duly sworn, upon oath
depose and say:

On _____ I () personally served or () mailed by certified mail a
notice, a true copy of which is attached hereto, upon the attached list of property owners

Applicant's Signature

Date

Sworn and subscribed
before me this _____
day of _____

Signature of Notary

Notary Seal

Introduction: The Honorable Plant LLC (“THP”) will be one of New Jersey’s first operational personal use cannabis retailer once awarded a Class 5 Retail license. THP has already received a conditional approval from the State of New Jersey and now seeks zoning approval from the Borough of the Highlands. In addition to complying with all State requirements outlined in NJAC 17:30, THP’s plans are fully compliant with local Borough Code Section 4-18 “Cannabis Retailer License”.

THP has already secured a suitable facility location, received community support, built an experienced team, and ascertained a local construction firm with experience in retail construction. After receiving zoning approval, THP will submit its conditional conversion application within 30 days to expedite it’s time to market and contribute to the success of New Jersey’s future personal use cannabis program. THP will be a leader in the New Jersey personal use market and serve as an excellent example of a successful women-owned small business.

DESCRIPTION AND STRUCTURE

THP is a New Jersey limited liability company and is recognized by the NJ Department of Treasury as a WBE. The company is owned by New Jersey businesswomen Jacquelyn Bruckmann and Dr. Bernadette Dunphy. THP is the ideal partner for the Borough of the Highlands as safety and equity are at the core of its business practices. First, THP is committed to inclusion, 100% of leadership roles are currently filled by women. Second, THP is committed to safety and compliance – our experienced management team has a perfect cannabis industry compliance record and we have contracted a qualified third-party security agency to provide security guards as well as off-site surveillance and storage.

THP has leased property located at 123 Bay Avenue in Highlands, New Jersey that is located in the Central Business District and is compliant with all zoning provisions conformant to the premise limits detailed in NJAC 17:30-12.1. Bay Avenue is well-traveled and easily accessible to consumers. THP selected this location specifically for the low crime rates in the area, frequent traffic, high visibility at night, and its significant off-street parking. Once granted approval to operate a cannabis business license by the Borough, THP will be will able to submit the requisite local support and municipal preference documents required by the state’s application for the conditional conversion.

After receiving a provisional award, THP will spend 3-6 months completing its facility, recruiting and training staff, and obtaining necessary permits to become operational.

Additionally, environmentally friendly policies are a core part of THP’s business model. THP will engage in sustainable retail practices that include strategies to reduce energy and waste usage during both our initial buildout and operations, selecting and sourcing products and supplies from responsible vendors, an upcycling and recycling program, and other green retail practices. To further honor this commitment, THP has included a sustainability statement in its core values and this statement is part of our Employee Handbook, will be posted in the dispensary, and prominently published our website. THP is a member of the Green Business Bureau. THP has begun the initial assessment process and is on-track to receive its GBB certification upon final licensure.

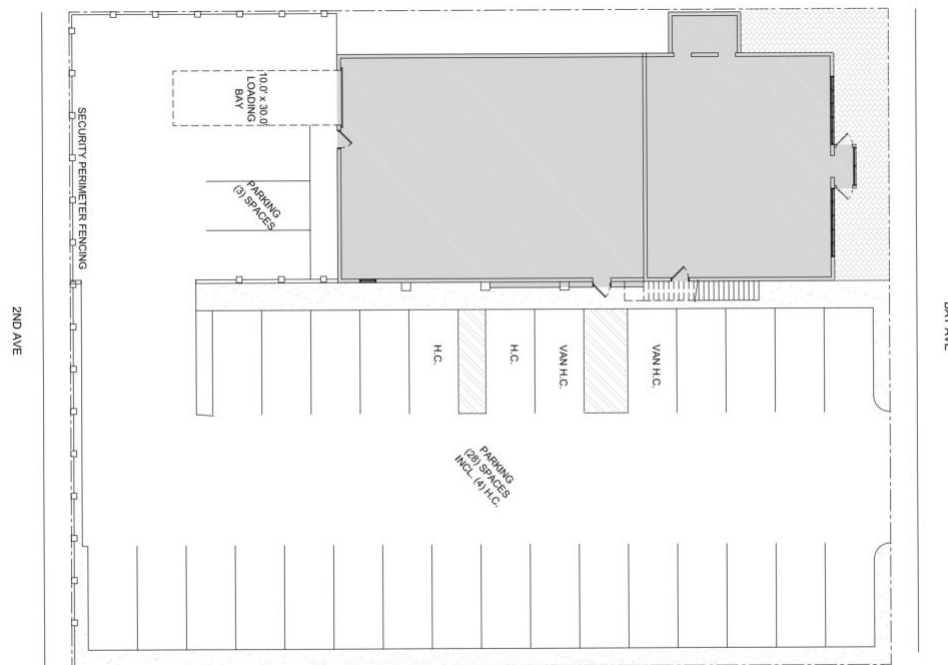
SITE PLAN

THP has engaged experienced dispensary architecture firm Rathúnas, LLC to design its Highlands facility. Rathúnas has more than 7 years of experience designing both medical and personal use dispensaries throughout the United States and are experts on compliant, safe, and consumer friendly layouts. (See attached site plans).

Key Features

Waiting Area: THP has designed the space with a larger than 600SF waiting area, with the intent to accommodate consumer traffic on its busiest days and sufficient to house all patrons. Additionally, there will be a Pre-Order Pickup window accessible in the waiting area for consumers who are looking to save time. THP's team has effectively used Pickup Windows at facilities in other states to reduce consumer traffic flow and crowding as pickup customers typically spend less than 5 minutes at the facility. We anticipate hours of operation to be 10am-7pm.

Parking: The site at 123 Bay Avenue has ample parking to meet the borough's ordinance, as well as provides a designated loading space for delivery vans. Four of the spaces are designated for handicapped parking. (Parking Lot rendering below).



The site at 123 Bay Avenue has approximately 3,900SF of gross leasable area. The building has a total of 28 onsite parking spaces, in addition to approximately 10 parking spaces directly in front or behind the property. THP has factored in ample parking options to effectively prevent vehicular congestion and ensure THP customers do not infringe on the parking of other local businesses.

THP will also rely on its experience and historical sales strategies to pace customers throughout the day to avoid congestion at any given time. These strategies include: special promotions during slow times to encourage patients to shop during nonpeak hours, allowing patients to schedule pickup times, and increased staffing during busy hours/days to ensure efficient customer turnover. Additionally, THP has future plans to install a bike rack so customers may safely lock their bike or scooter while shopping.

Vault: THP will store its cannabis in a limited access area, or vault, that is only accessible to employees (NJAC 17:30-12.7). THP's vault will be constructed of poured concrete approximately 12"-18" thick or of a similar building material that effectively prevents unauthorized entry and will be customized for our purposes by a reputable manufacturer, such as Vault Structures Incorporated who specifically design vaults for cannabis operators. The room will be UL rated with DEA-approved locks and alarm wiring to integrate into our security systems. Within the vault will be a series of commercial-grade TL30 safes meeting DEA requirements for the storage of Schedule I and II drugs and locking refrigerators and freezers.

Access Controlled Areas

To limit access within the dispensary facility, THP will designate areas as either "Public," "Limited Access," or "Restricted Access" based on the number and type of individuals permitted to access each area. Public areas will be open to all visitors with a valid reason for being there, such as family members waiting for registered customers to complete their business. Limited Access Areas ("LAAs") will have access restricted to employees and registered customers or caregivers. Restricted Access Areas ("RAAs") will be the most heavily controlled portions of the facility, with access limited to designated employees with an employment reason for requiring access.

Public Areas: The only areas of the facility that the public will be permitted to access are the parking lot, the waiting area, and the bathrooms. All other areas will be off limits to the public and will not be visible from visitor areas. Even in public areas, facility personnel will prohibit loitering and will require that all individuals in the area have a legitimate purpose for being there, such as waiting for a registered customer to complete their visit or picking up/dropping off an employee.

Limited Access Areas: THP will designate certain areas of the facility as Limited Access Areas ("LAAs"). LAAs will be areas that require access by facility staff and visitors, such as administrative offices and the dispensing area. THP will limit access to all administrative offices to the employees who occupy the offices as a matter of daily business, with other employees invited in as needed throughout the regular course of business. THP will limit access to the dispensing area to dispensary employees and registered customers and caregivers who have properly checked in and are registered with THP's dispensary. All LAAs will remain securely locked using UL-listed commercial-grade, non-residential door locks or electronic keycard access

locks. Doors will feature multi-point locking systems that include bolts and mechanics that secure each door at up to five points around the door frame. All areas of ingress and egress to each limited access area in the facility will be clearly identified by the posting of a sign which must be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which will state: “Do Not Enter - Limited Access Area - Access Limited to Authorized Personnel and Escorted Visitors.” (NJAC 17:30-9.10).

Restricted Access Areas: The vault and all areas used for surveillance equipment or records, will be classified as Restricted Access Areas (“RAA”). RAAs will feature electronic keycard locks with individualized access privileges for each employee. All entrances to RAAs will be clearly identified with a sign stating: “Do Not Enter – Restricted Access Area – Access Limited to Authorized Personnel Only.” In general, only Managers and security personnel will have access to RAAs. Management will brief all employees on their respective security and access privileges, as well as the penalties for unauthorized entrance into RAAs. Management will investigate any unauthorized access or access attempts and take corrective action when necessary.

Secure Storage For Unsaleable Products

THP will have separate locked limited access areas for storage of cannabis that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the cannabis is returned to a grower/processor, destroyed or otherwise disposed of as required under NJAC 17:30-9.10. First, THP’s vault is only accessible to managers and requires a manager to both scan his or her badge then enter their unique key code on the access keypad, thus this is a limited access area. Second, there will be a large digital safe inside the vault for storing unsaleable products. Managers will store expired, damaged, deteriorated, mislabeled, contaminated, recalled, or breached products in this separate safe to ensure (1) that unsaleable products are not mixed with saleable products and (2) these products are secure until they can be properly returned to the grower/processor. Manager will maintain a log of all products kept in safe – noting the product name, identification number, quantity, date, and planned date of return. Manager will review secure safe inventory weekly to ensure products are being promptly returned to grower/processors.

In accordance with NJAC 17:30-9.10, THP will have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry, and to prevent and detect an adverse loss. The security and surveillance systems will include a professionally monitored security alarm system that includes the following: Coverage of all storage rooms, including those that contain cannabis, and safes and the entrance/exits of these rooms.

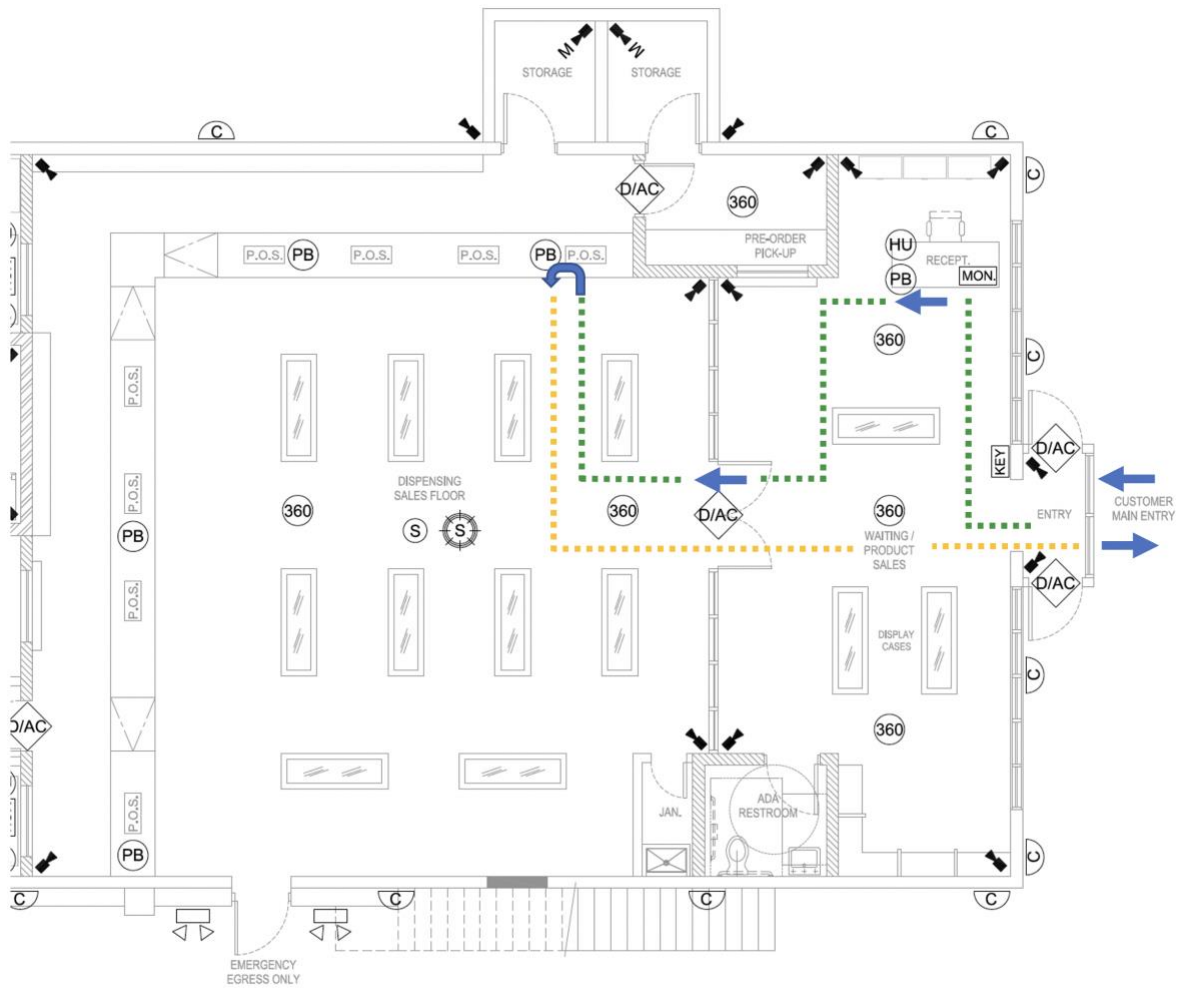
OPERATIONS***Opening the Dispensary to Customers***

Upon opening the dispensary for customers, a security guard will be in the front enclosed area with the receptionist. The manager or assistant manager will let the receptionist know that they are operational for customers. The window grates will be rolled up and the customers will be allowed in. The receptionist will monitor customers who enter the waiting room. Customers must wait in the waiting area for an available consultant to assist them with their purchase. Both the receptionist and security guards will ensure this policy is enforced.

The receptionist will let a dispensary consultant know that a customer is waiting. The consultant will check the monitor inside the door, before opening the door to the dispensary and call for the customer. On the way in, the consultant will hold the door open for the visitor and wait behind them until it shuts secure. The consultant is responsible for their customer the entire time they are in the dispensing service area and will never leave the customer alone. The ratio will always be one customer group per consultant. Should the consultant need assistance, he or she is to radio for a manager/supervisor to assist, never leaving the customer unattended.

Once a customer has completed their visit, the customer consultant will escort the customer back to the waiting area, ensuring to check the monitor prior to opening the door. The customer will then exit the dispensary the same way they entered.

Consumer Sales Flow Model



Dispensary Closing Procedure

Upon all customers, employees, and/or visitors departing, a security officer will conduct a security check of the building ensuring only authorized personnel are present. Upon completion and at the direction of the security officer, the manager will begin directing the process for securing the cannabis and currency. The manager will do a final accounting of all the cannabis and monies to ensure all match with State required systems. The manager will ensure that the safe is closed and secure, that the alarm is on in the vault and that the door to the vault is closed and secure.

Prior to leaving, all staff will turn in any assigned equipment, including but not limited to key fobs, two-way radios and panic alarms. The items will be kept overnight in the vault. Only the manager and assistant manager may carry their fobs and panic buttons with them, as they need both during opening and closing, as well as when they respond to an emergency at the dispensary.

Staff will all exit except for a security officer or manager. A security officer will do one more security check of the building ensuring all employees exited. Upon completion of the sweep, the security officer will instruct the manager or assistant manager to set the alarm. The manager or assistant manager will then exit the facility with the security officer, who will ensure that all the security gates are locked and secured. The security officer will ensure the manager or assistant manager enters their vehicle safely and exits the property prior to leaving.

WASTE DISPOSAL

THP is committed to following waste management procedures that are environmentally friendly and prevent diversion. THP will have a limited access area within the dispensary where cannabis waste is processed, stored, or destroyed (NJAC 17:30-9.12). THP's electronic tracking system, as prescribed by the Cannabis Regulatory Commission ("CRC"), will allow the dispensary to log, verify, and monitor the disposal of cannabis waste in compliance with NJAC 17:30-9.14. This section outlines THP's inventory controls and its secure storage for unsaleable products prior to disposal, procedures for disposing of wasted cannabis products, and our policy regarding recalled products.

Inventory Controls For Unsaleable Products

THP has established and implemented an inventory control system for this dispensary's unsaleable cannabis product in compliance with NJAC 17:30-9.13, that documents the:

- Description for the cannabis being disposed;
- Date of disposal;
- Name and registry identification number for dispensary agent responsible for disposal.
- The Dispensary may either ship any cannabis that is surplus or out of date or that is waste from processing or repackaging to a licensed cultivator/manufacturer for disposal or dispose of green waste in accordance with the dispensary's approved waste disposal plan.

All information regarding the destruction or transfer of unsaleable products will be logged in our electronic tracking system to ensure inventory is correct and products are being properly tracked.

Secure Storage For Unsaleable Products

THP will have separate locked limited access areas for storage of cannabis that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the cannabis is returned to a cultivator/manufacturer, destroyed or otherwise disposed of as required under NJAC 17:30-9.13-14. First, THP's dispensary vault is only accessible to managers and requires a manager to both scan his or her badge then enter their unique key code on the access keypad, thus this is a limited access area. Second, there will be a large digital safe inside the vault for storing unsaleable products. Managers will store expired, damaged, deteriorated, mislabeled, contaminated, recalled, or breached products in this separate safe to ensure (1) that unsaleable products are not mixed with saleable products and (2) these products are secure until they can be properly returned to the cultivator/manufacturer. Manager will maintain a log of all products kept in safe – noting the product name, identification number,

quantity, date, and planned date of return. Manager will review secure safe inventory weekly to ensure products are being promptly returned to cultivator/manufacturers.

In accordance with NJAC 17:30-9.10, THP will have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry, and to prevent and detect an adverse loss. The security and surveillance systems will include a professionally monitored security alarm system that includes the following: Coverage of all storage rooms, including those that contain cannabis, and safes and the entrance/exits of these rooms.

Procedures For Waste Disposal

THP has tailored its current Waste Disposal plans to ensure compliance with NJAC 17:30-9.14. Before conducting any waste disposal, THP will submit its Green Waste Plan to the CRC for approval. Further, we will actively update its SOPs on Waste Disposal to conform to any additional requirements or regulations promulgated by the CRC or the State of New Jersey. THP anticipates it will have to dispose of cannabis due to customer returns, expiration or damage.

1. Staff are trained on identifying items that must be disposed of:
 - a. Any cannabis that was previously purchased at THP that is returned for any reason is unsellable and shall be deemed waste.
 - b. Any cannabis that is expired.
 - c. Any cannabis that has not be properly stored.
 - d. Any cannabis that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached
 - e. Product recalled by a cultivator or manufacturer will be transferred back to its origin and cultivator/manufacturer will be responsible for disposal. Transfer will be properly logged in the CRC's prescribed electronic tracking system, transported by a transportation agent, accompanied by a transportation manifest and follow all relevant CRC procedures.
2. Identified waste must be immediately logged in THP Waste Disposal Log and placed in "waste container" by two employees in full view of camera.
 - a. Waste Disposal Log will be kept **in the vault** with separate, sealed "waste container". Waste container in vault is observable by 360 degree camera view.
 - b. Log entry will include the following information:
 - Date
 - Product Name
 - Product Type
 - Product THC Weight
 - ID # from State's electronic tracking system (last 6 digits)
 - LOT # (last 6 digits)
 - Employee Initial
 - *Date Disposed Of:* (To be completed by Manager)
3. Once a month a Manager will review the Waste Disposal Log and dispose of waste. THP disposal will take place on the first business day of the month. All waste procedures shall be done in full view of security cameras.
 - a. To dispose of waste, Manager verify all logged waste from the past month is in the Waste Container.

- b. Manager will place each month's waste in container with kitty litter and water until sufficiently mixed and cannabis is unusable.
 - c. Mixed waste will be double-bagged in black trash bag.
 - d. Trash bag will be disposed of in dumpster.
4. Manager will log disposal of waste with the CRC through their prescribed electronic tracking system.

SAMPLE: Waste Disposal Log Entry

 The Honorable Plant Waste Disposal Log								
MONTH: September 2022								
Date & Time	Product Name	Product Type	Weight	Control Number	LOT	Employees (2)	Disposed (Date & Time)	Manager
9/8/22 11:00am	10mg RSO Capsules	Cartridge	0.5g	10002938349832472349	283998	AL/JB	10/1/22 5:00pm	AL
9/22/22 4:30pm	THC Tincture (50ml)	Tincture	50mL	10002938349832479444	009009	AL/JB	10/1/22 5:00pm	AL

Recalled Products

In accordance with NJAC 17:30-9.17, THP will notify the CRC and the cultivator/manufacture immediately upon becoming aware of any complaint made to the dispensary by a patient, caregiver or practitioner who reports an adverse event from using cannabis dispensed by the dispensary. If product is recalled, upon notification by the cultivator/manufacture under NJAC 17:30-9.14, THP will cease dispensing the affected cannabis and will coordinate the return of the recalled cannabis with the cultivator/manufacture (NJAC 17:30-9.17). THP, with permission from the CRC, will contact all its patients who have purchased the recalled cannabis product by pulling up patient sales data in its electronic records. THP patients will be allowed to return the recalled product to THP, and THP will take the appropriate steps to transfer the recalled product back to the origin cultivator/manufacture.

Non-Cannabis Trash and Recycling

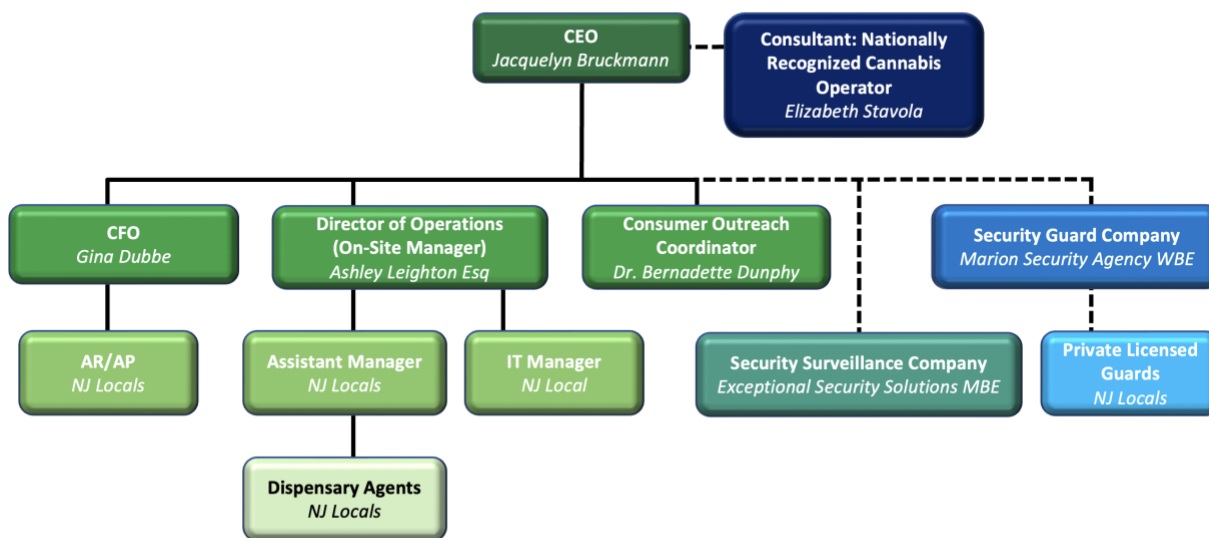
Non-cannabis trash and recycling will be properly disposed of pursuant to local ordinance.

MANAGEMENT PROFILES, STAFFING PLAN, & WORKFORCE DEVELOPMENT

THP's team brings extensive experience to Highlands, NJ and is ready to open its newest adult use dispensary in both a timely and compliant manner. In addition to experience in both medical and personal use cannabis markets, the THP leadership team has extensive experience working within other highly regulated industries including finance, securities, law, and healthcare. Many members of our team hold professional licenses, these licenses are **all in good standing**. THP has already filled its major leadership positions, and its executive team is ready to recruit and hire local NJ residents to fill supporting roles.



Organizational Chart



Employees

Contractors

Management Profiles



CEO, Jacquelyn Bruckmann: Owner, Jacquelyn Bruckmann earned a Bachelor of Business Administration in Legal Studies with Minor in Public Relations from the University of Miami. Ms. Bruckmann is an active member of Women of the U, a University of Miami Alumni Association group that fosters networking and community among businesswomen and promotes women's initiatives. Ms. Bruckmann has over eight years' experience in business development, corporate and retail sales, public relations, and customer service. Ms. Bruckmann was first exposed to the industry as a Business Development Intern for CBD for Life, a hemp-based beauty and wellness company. As an intern, Ms.

Bruckmann researched and compiled information about competitive new launches, advertising, and formulas, and then presented market analysis findings at team meetings. She contributed to the design of business strategies to accomplish brand goals and drive sales at both retail partners and online vendors while navigating the unique restrictions placed on cannabis businesses regarding advertising and health claims. She has a deep understanding of both the cannabis wholesale and retail business through her participation in forecasting (Demand Planning led) & budget (Finance led) meetings. In her current Business Development role at Impact.com, an online marketing company, Ms. Bruckmann assists clients in raising their brand profile and diversifying their revenue streams through online marketing strategies that include influencer marketing, affiliate marketing, mobile applications, optimizing consumer touchpoints, and the use of data-driven performance analytics. Propelled by her entrepreneurial spirit, Ms. Bruckmann is ready to leave the corporate world to build and operate a state-of-art consumer-focused cannabis dispensary in Highlands, NJ. The oldest of six children, Ms. Bruckmann is a born leader and is ready to seize the opportunity to build her own cannabis business where she grew up. She has compiled a team of industry experts to support her business as her team brings years cannabis retail experience from mature programs in other states. Ms. Bruckmann will lean on the guidance and mentorship from her mother, Elizabeth Stavola, as she moves forward with this endeavor.

Mentor, Elizabeth Stavola: Elizabeth (Beth) Stavola is a leading female entrepreneur in the cannabis industry, being ranked #1 on the 2019 Cannabis Business Executive (CBE) Power Women in Cannabis list. She is the founder of many cannabis businesses and exciting brands including Melting Point Extracts (MPX), Health For Life Inc, GreenMart of Nevada, GreenMart of Maryland, Cannatech of MA, CBD For Life, and MPX New Jersey. She was one of the founding members of the New Jersey Cannabis Industry Association.

Beth was chosen as one of the Top 100 Female Founders by Inc Magazine in 2019, for being a pioneer in this highly male-dominated industry. She has been committed to building female and minority leadership within the industry, as reflected in the leadership teams she has



built in all of her companies. In addition to Inc Magazine and CBE, she has also received accolades and awards from Green Entrepreneur (Top 100 Cannabis Companies List), The Wall Street Journal, and Inc Magazine's Female Founders (Building the most exciting businesses in America). Ms. Stavola has also been featured heavily in mainstream media including Forbes, The New York Times, USA Today, The Washington Post, and Bloomberg, along with a multitude of trade journals. She has been one of the most requested speakers for cannabis trade show panels, podcasts, and other industry events.

Beth was founder and Chief Operating Officer of MPX Bioceutical Corporation, which went public in January 2017. Ms. Stavola entered the cannabis industry in AZ as an investor and then as an operator in 2012. By 2013, she was on her way to expanding the company footprint to other states that had legalized medicinal use including Nevada, Maryland, and Massachusetts. Arizona is where Beth first launched Melting Point Extracts (MPX), an extremely well respected and sought-after brand that quickly grew in popularity in Nevada and Maryland, winning many awards across the country. The brand specializes in hydrocarbon, CO2, and solventless extractions to offer a wide and diverse selection of high-quality cannabis concentrates and high terpene extracts.

Ms. Stavola is also the founder of a top cannabidiol CBD beauty and wellness brand, CBD for Life. She launched the company in 2015 to produce and sell highly innovative, natural, luxurious, and effective CBD-infused pain management and beauty products. These revolutionary formulas combine CBD with nourishing essential oils and other active ingredients to aid in reducing pain, inflammation, and stress while promoting anti-aging, rejuvenation, and vibrancy. The company quickly grew to wide-scale distribution, and the products are currently distributed online to 46 states throughout the US and can also be found in large retailers like Hudson News stores, Dillard's and Urban Outfitters. CBD for Life won The Hollywood Beauty Awards Best New Brand in March 2018 (alongside Britney Spears who won Fragrance of the Year). These products have been written about in Marie Claire, Cosmopolitan, Wholefoods Magazine, and numerous other media outlets.

Beth studied Finance and Economics at Monmouth University in New Jersey and prior to cannabis spent her last 10 years on Wall Street with Jefferies & Co as an institutional equity salesperson. She was born and raised in New Jersey and continues to reside in her home state with her husband and six children.



On-Site Manager, Ashley Leighton Esq: Ashley Leighton will serve as On-Site Manager for the facility and will oversee operations, training, staffing, and compliance. Ms. Leighton has a decade's worth of management and legal experience servicing both high-profile and underprivileged clients in highly regulated fields. She graduated from Rutgers Law School with a J.D. in 2011, where she was the Business Editor of the Women's Right's Law Review and a Dean's scholar. She served at the law clerk to Hon. Frank Buczynski, P.J.Ch. of The Superior Court of New Jersey and as an intern to Hon. Madeline Cox Arleo U.S.M.J. of United States District Court for the District of New Jersey. Ms. Leighton is a member of the Bar Association; she has never

had an infraction or grievance in her career.

Ms. Leighton began her legal career at a boutique firm in Newark, NJ specializing in securities litigation and white-collar crime defense work. She represented clients in high-profile securities

fraud cases, multi-billion dollar tort disputes arising out of the collapse of the 7 World Trade Center building, and high-value arbitration proceedings. She spent the past few years serving as a pro-bono attorney with Catholic Charities, counseling undocumented clients on the ever-changing immigration laws through her work on the Unaccompanied Children Pro Bono Project and further assists adult clients on U-9 Visa Applications.

In 2018, Ms. Leighton assisted in the opening of one of Maryland's first medical cannabis dispensaries, Greenhouse Wellness. At Greenhouse Wellness of Maryland, she worked as the General Manager and in-house counsel. From 2019-2021, Ms. Leighton served as the Chief Compliance Officer for various cannabis startups across the US. In both these roles, she advised on a broad range of compliance and operations issues in connection with increasing productivity, minimizing exposure to liability, develop and updating operating procedures, and navigating the nuances of state and federal cannabis laws. She has been active in lobbying efforts to protect customers' rights, a Member of Americans for Safe Access, and has been featured as a guest speaker at George Washington University discussing state cannabis programs and their ever-changing code of regulations. She is an adjunct faculty member of Howard County Community College. At HCC, Ms. Leighton developed the curriculum for their cannabis education program and currently teaches dispensary agent training courses.

Ms. Leighton currently operates a highly successful consulting company that specializes in business development for the cannabis industry. Her clients range from small local operators to some of the largest cannabis corporations in the world. She has experience managing projects with \$25M+ budgets for vertically integrated ventures across multiple states. Ms. Leighton has assisted new cannabis businesses in New Jersey, Maryland, West Virginia, Ohio, Pennsylvania, and Texas. Ms. Leighton is the ideal choice for the On-Site Manager role as she has extensive experience opening cannabis dispensaries and seeing them through their first 2 years of business.

Finance Manager, Gina Dubbe: Gina Dubbe is a venture capitalist and serial entrepreneur. She has over 30 years of cross-functional expertise; her specialties include sales, capital fund-raising, and business development in tandem with solid engineering, general management, and a focus on health and wellness. In 2014, she was named by Forbes Magazine as one of the Women Who Built Outstanding Companies.



Ms. Dubbe currently serves as the CEO of Growing Ventures LL, a dispensary operator in Maryland. Under her guidance, her dispensary has **passed all its inspections** (including more than ten surprise visits from the Maryland Medical Cannabis Commission) and has **never had an infraction**. In January 2020, she appeared on the TODAY Show with Maria Shriver and Ms. Dubbe is a featured speaker at the 2020 National Cannabis Conference speaking on "How to Launch a Medical or Adult-Use Dispensary". During the 2019 year she was featured on the cover of the Howard County Women's Business Journal.

Prior to entering the cannabis industry, Ms. Dubbe operated in the medical device industry. In 2008, she launched TheraPearl, a highly innovative company that produces natural and effective reusable ice packs. TheraPearl was recognized on the Inc. 500 list of the "Fastest Growing Private Companies" in the US for two consecutive years. TheraPearl sold over 5 million packs by 2014,

when the company was sold to Performance Health. Ms. Dubbe holds numerous patents regarding the TheraPearl technology.

From 2002-2006, Ms. Dubbe served as Managing Partner of Walker Ventures, an early stage venture fund where she oversaw \$150M in assets. She was responsible for the qualification and selection of investment portfolio companies in a variety of technology areas. She joined the Board of Directors of portfolio companies to provide management insight on strategic corporate and technology direction, as well as assistance in fund-raising strategies. Ms. Dubbe has also worked for Oracle, rising to the position of Federal Director which managed all the Federal civilian accounts. She was responsible for a \$50M sales quota and managed a team of sales and technical specialists.



Consumer Outreach Coordinator, Bernadette Dunphy, DPT, PT:

Owner, Dr. Bernadette Dunphy is the Consumer Outreach Coordinator for The Honorable Plant. Dr. Dunphy is licensed as a Physical Therapist and owns her own practice, Dunphy's Physical Therapy, in Red Bank, New Jersey. Before relocating to Red Bank, she owned and operated Dunphy's Training Center, an 8,000 square foot fitness and physical therapy facility in Eatontown, New Jersey from 1990-2008.

Dr. Dunphy earned her BS from Montana State University, majoring in Health and Sports Medicine. She then received a Graduate degree in Physical Therapy from University of Medicine and Dentistry, 1986.

Dr. Dunphy continued her education and received a Doctorate in Physical Therapy from what was then the University of Medicine and Dentistry of New Jersey in 2007.

Dr. Dunphy started teaching at Monmouth University in 2008 as an adjunct professor and then as a full-time faculty member as a Specialist Professor in Biology teaching Anatomy and Physiology. In addition to her teaching responsibilities Dr. Dunphy is Director of Pre-Health Advising at Monmouth.

Dr. Dunphy has a strong passion and deep understanding of cannabis and its various healing benefits that started after her search to find a holistic and effective treatment plan for her husband diagnosed with Parkinson's disease. She incorporates her knowledge of the endocannabinoid system and safe use of herbal cannabis products into her traditional physical therapy practices. She is educated in multiple areas above her traditional training including cannabis therapeutics, advocacy, ethics, and the law that make her a wonderful consumer educator and advocate in the cannabis space. Dr. Dunphy helps customers to achieve a maximum state of homeostasis and is a leader in supporting customers toward holistic health and wellness.

In her role as Consumer Outreach Coordinator Dr. Dunphy is responsible for working with new consumers and the surrounding community to understand their state program and treatment options, help design optimal treatment plans for new customers, monitor existing customers conditions and make recommendations as needed, help consumers determine best administration techniques for their condition and demonstrate the use of specialty equipment.

CONCLUSION

THP seeks zoning approval of the Borough of the Highlands to operate a Cannabis Retailer License. THP has already been granted a conditional approval from the State of New Jersey, and upon approval from the Highlands, THP will timely submit its Conditional Conversion Application, within 30 days, as the company is committed to expedient market entry to best serve New Jersey consumers. THP has the business experience, financing, and industry relationships to serve the Highlands community in a safe and effective manner.

OUTDOOR LIVING SPACE SPACE:
SECTION 21-91.4.b

100 SF PER UNIT, PLUS 50 SF PER BEDROOM

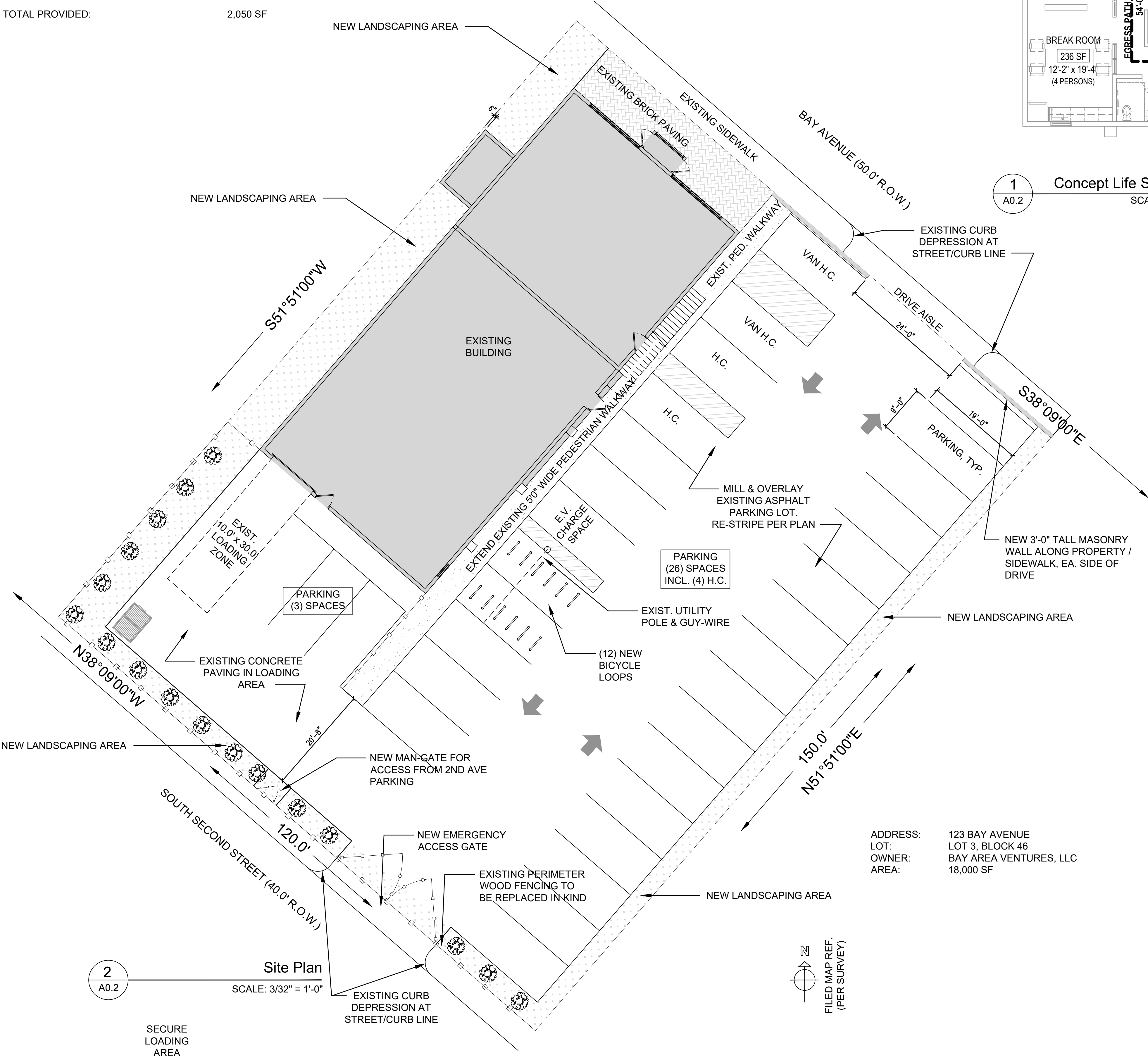
(2) 1-BEDROOM APARTMENTS 300 SF REQUIRED
EXISTING ELEVATED DECK PROVIDED 250 SF PROVIDED

LANDSCAPING AREA:

10% LANDSCAPING PROVIDED:
18,000 SF SITE AREA * 10% = 1,800 SF

BAY AVENUE PLANTING AREA 216 SF
WEST SIDE (CHURCH) AREA 843 SF
2ND AVENUE TREE STRIP 520 SF
EAST SIDE OF PARKING LOT BUFFER 471 SF

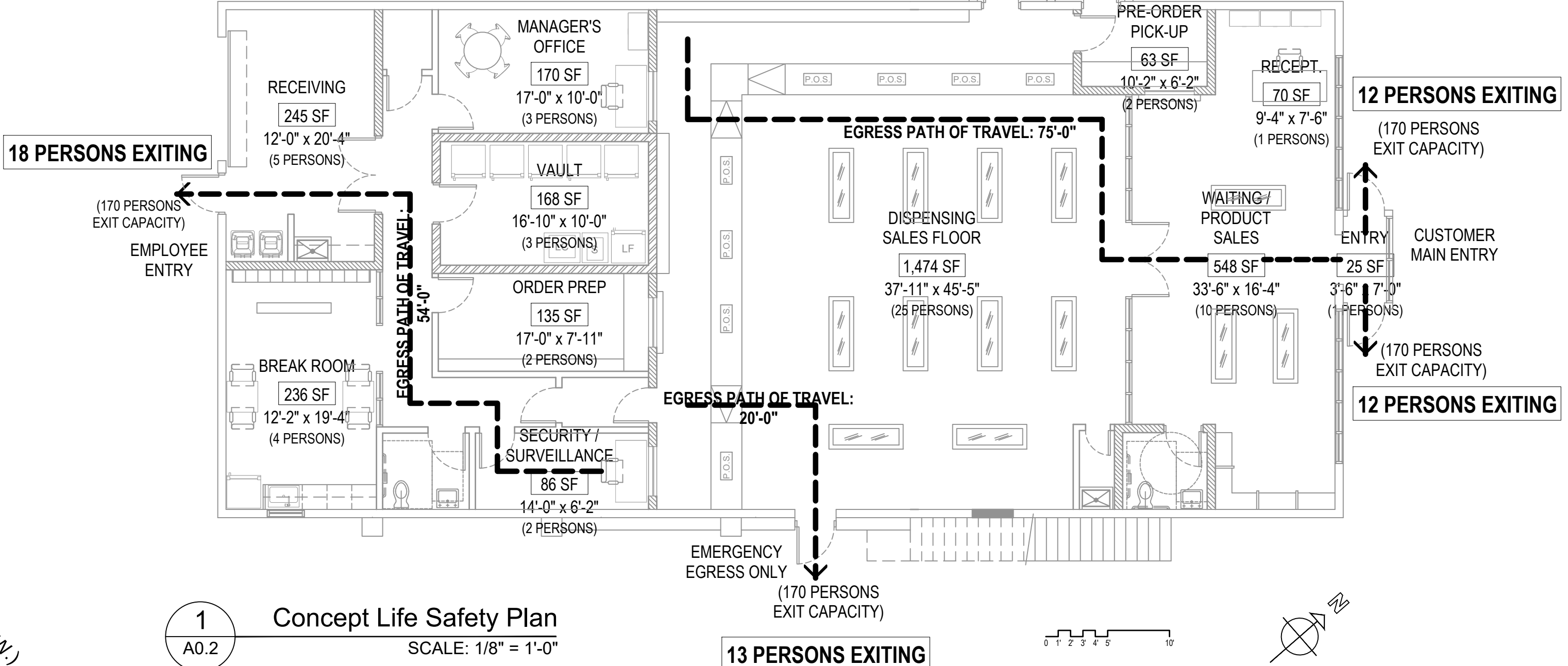
TOTAL PROVIDED: 2,050 SF



2
A0.2
Site Plan
SCALE: 3/32" = 1'-0"
SECURE
LOADING
AREA

FILED MAP REF.
(PER SURVEY)

ADDRESS: 123 BAY AVENUE
LOT: LOT 3, BLOCK 46
OWNER: BAY AREA VENTURES, LLC
AREA: 18,000 SF



1
A0.2
Concept Life Safety Plan
SCALE: 1/8" = 1'-0"

EGRESS:

TABLE 1004.1.2 - MAX. FLOOR AREA ALLOW
60 GSF / PERSON
300 GSF / PERSON (STORAGE)
TABLE 1006.2.1 - SPACES W/ ONE EXIT
49 PERSONS MAX.
75'-0" MAX. PATH OF EGRESS
TABLE 1006.3.1 - MIN. # EXITS / STORY
1-500 PERSONS = 2 EXITS
TABLE 1007.1.1
EXITS TO BE > 1/2 DIAGONAL BTW. EXITS
TABLE 1017.2 - EXIT ACCESS TRAVEL DISTANCE
200'-0" MAX. (NOT SPRINKLERED)

CONFORMS: BASIS OF CALCULATION FOR RETAIL, WAITING, AND OFFICE AREAS.
CONFORMS: BASIS OF CALCULATION FOR RECEIVING AREA.

CONFORMS: DISPENSARY HOLDS (27) PERSONS MAXIMUM
CONFORMS: PATH OF TRAVEL FROM DISPENSARY IS 75'-0" MAXIMUM

CONFORMS: TOTAL OCCUPANCY < 500 PERSONS. BUILDING HAS (3) EXITS.
CONFORMS: BUILDING DIAGONAL IS 99'-2". EXIT SEPARATION IS 64'-2".
CONFORMS: NO PATH OF TRAVEL IS GREATER THAN 200'-0"

PARKING:

EXISTING RESIDENTIAL USE:
SECTION 21-65.14.C.1

FOR THE (2) EXISTING 1-BEDROOM APARTMENTS:

RESIDENTIAL USES (1-BEDROOM) 1.8 SPACES PER UNIT
PARKING REQUIRED @ 2 UNITS = 3.6 SPACES

PROPOSED RETAIL USE:
SECTION 21-65.14.D.7.a(2)

THE FIRST 1,000 GSF SHALL BE EXEMPTED FROM PARKING.

ALL OTHER PERMITTED NON-RESIDENTIAL USES 1 SPACE PER 300 GSF (ABOVE 1,000 GSF)

BUSINESS, COMMERCIAL, PERSONAL SERVICE,
AND RETAIL ESTABLISHMENTS 1 SPACE PER 600 GSF (ABOVE 1,000 GSF)

BUILDING GSF: 3,931
EXEMPTION: 1,000
RELEVANT GSF: 2,931

PARKING REQUIRED @ 1/300: 2,931 / 300 = 9.77 SPACES
PARKING REQUIRED @ 1/600: 2,931 / 600 = 4.85 SPACES

TOTAL PARKING REQUIRED:
RESIDENTIAL 4 SPACES
RETAIL 10 SPACES
TOTAL 14 SPACES

PARKING PROVIDED: 29 SPACES

Item 4.

Rathúnas LLC

1435 Irving St NE
Washington, DC 20017
(202) 714-7171
info@rathunasllc.com

design architect

CatherineFranco

Architect

Atlantic Highlands
New Jersey, 07716
150 Monmouth Ave
Tel: 732.291.5942
cfarchitects@hotmail.com

architect of record

professional stamp

Retail Cannabis Dispensary

The Honorable Plant

123 Bay Avenue
Highlands, NJ 08302

project info

SITE PLANS

CONCEPTUAL SITE IMPROVEMENT PLAN, &
CONCEPTUAL LIFE SAFETY PLAN

REVISIONS:

#	DATE:	NOTE:

ISSUE DATE:
23 NOVEMBER 2022

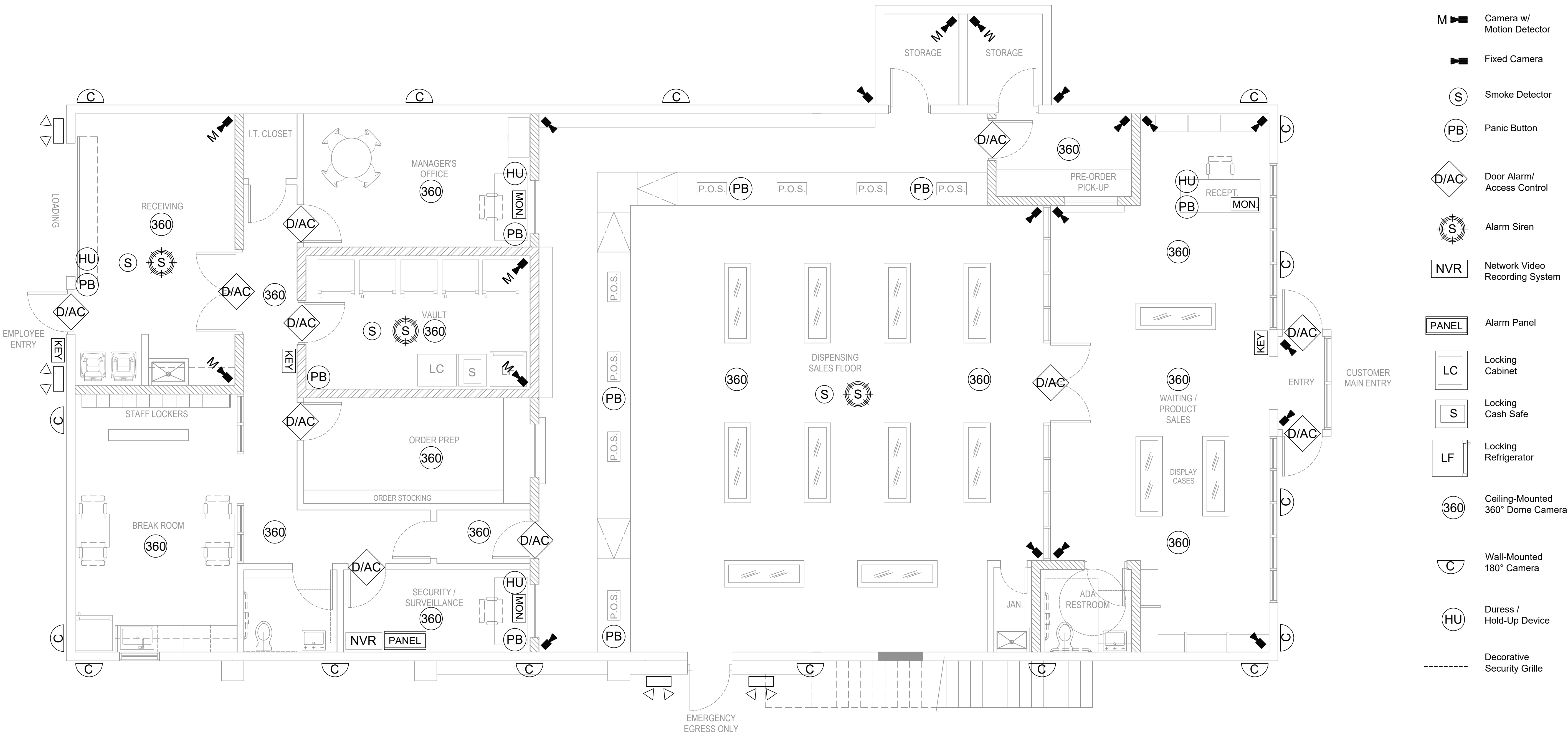
PROJECT NUMBER:
THP-05.22

A0.2

88

General Security Notes:

1. ALL NEW WINDOW AND DOOR GLAZING TO HAVE LAMINATED SAFETY / SECURITY GLASS
2. ALL ACCESS CONTROL POINTS TO BE BIOMETRIC AND TO BE ELECTRONICALLY MONITORED.
3. EMERGENCY 911 "TALK-A-PHONE" WITH INTEGRAL CAMERA TO BE INSTALLED ON SITE. LOCATION T.B.D.



1 Concept Security Plan
A1.2s SCALE: 1/4" = 1'-0"

Legend:

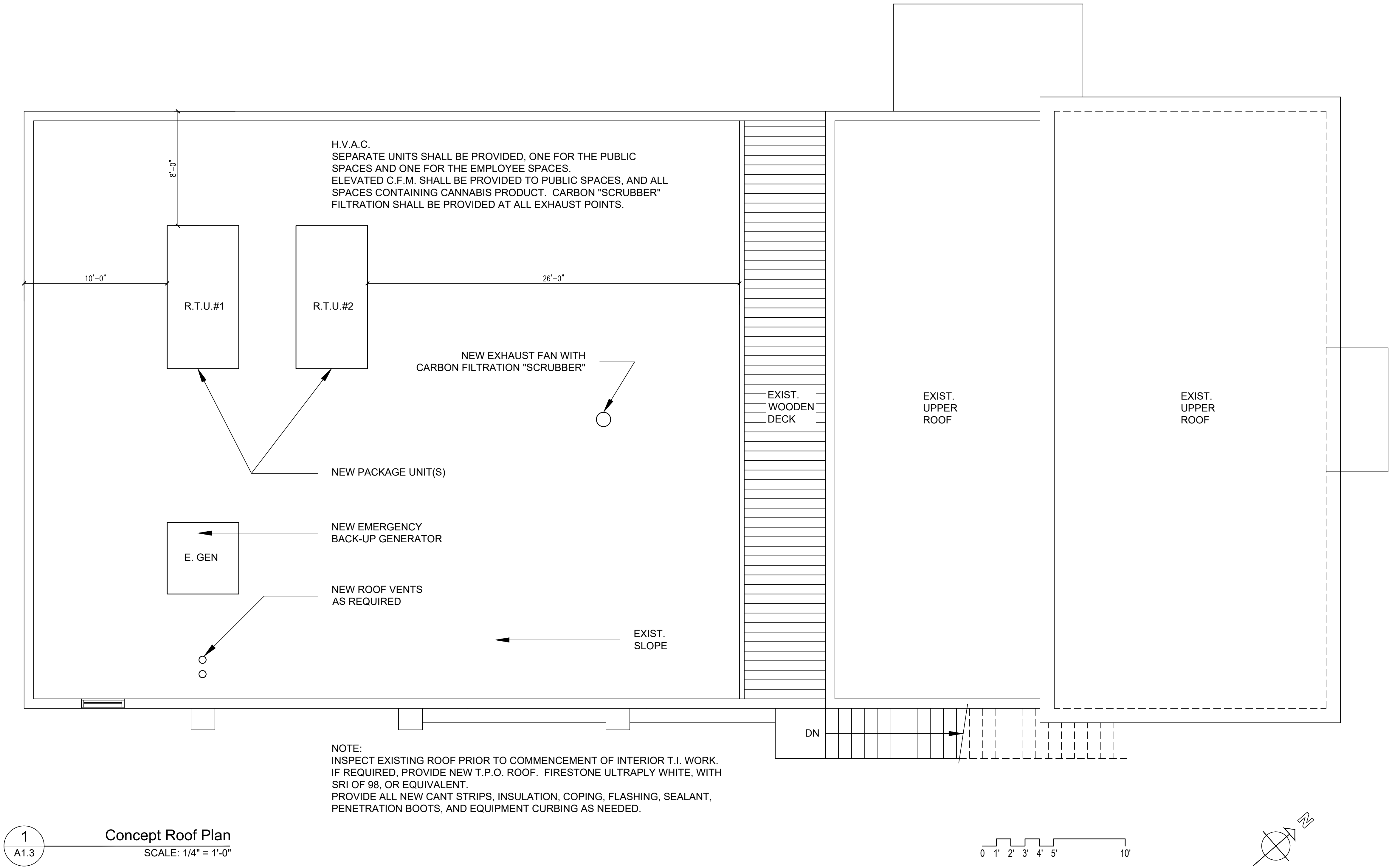
- KEY Security Keypad
- MON. Monitor
- MD Motion Detector
- Exterior Motion Activated Spot Lights
- M Camera w/ Motion Detector
- Fixed Camera
- S Smoke Detector
- PB Panic Button
- D/AC Door Alarm/ Access Control
- S Alarm Siren
- NVR Network Video Recording System
- PANEL Alarm Panel
- LC Locking Cabinet
- S Locking Cash Safe
- LF Locking Refrigerator
- 360 Ceiling-Mounted 360° Dome Camera
- C Wall-Mounted 180° Camera
- HU Duress / Hold-Up Device
- Decorative Security Grille

REVISIONS:		
#	DATE:	NOTE:

ISSUE DATE:	
23 NOVEMBER 2022	
PROJECT NUMBER:	
THP-05.22	

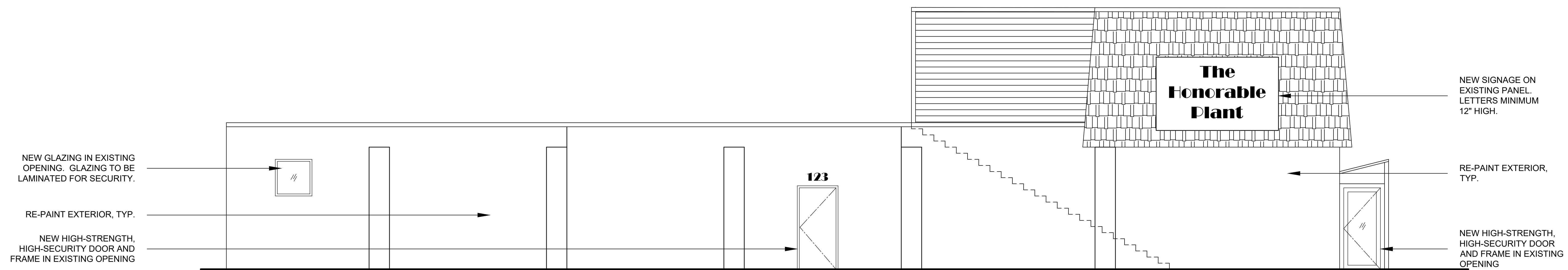
REVISIONS:		
#	DATE:	NOTE:

ISSUE DATE:
23 NOVEMBER 2022
PROJECT NUMBER:
THP-05.22

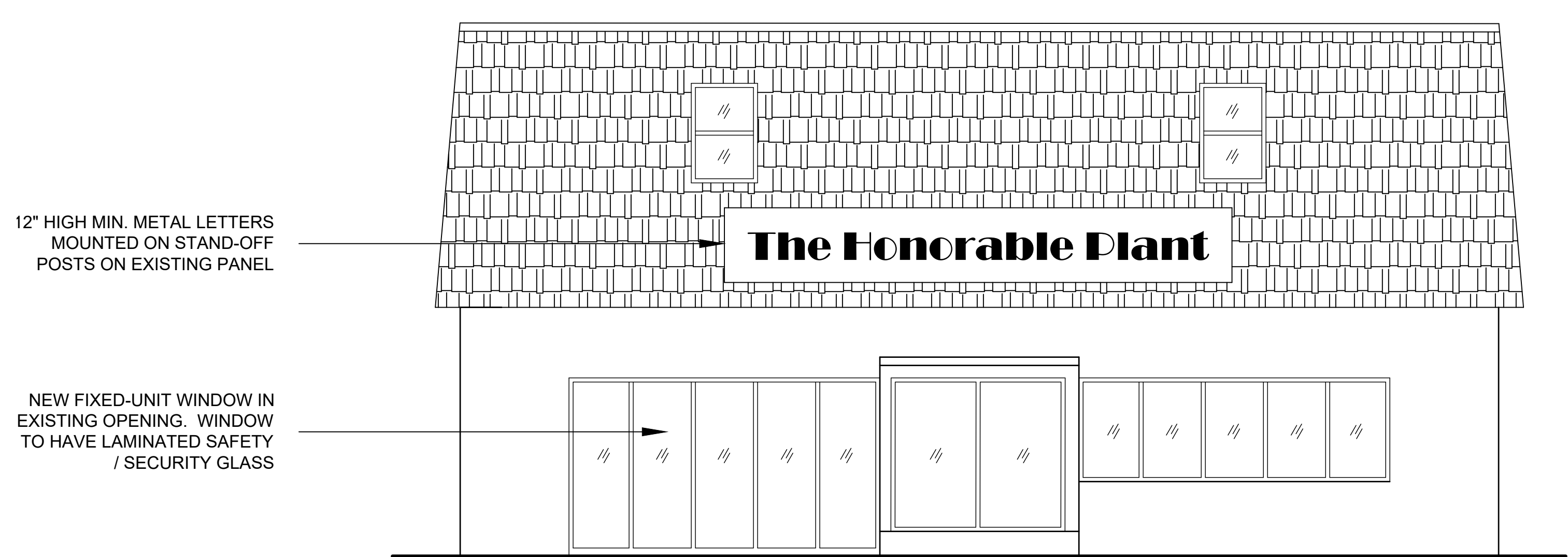


REVISIONS:		
#	DATE:	NOTE:

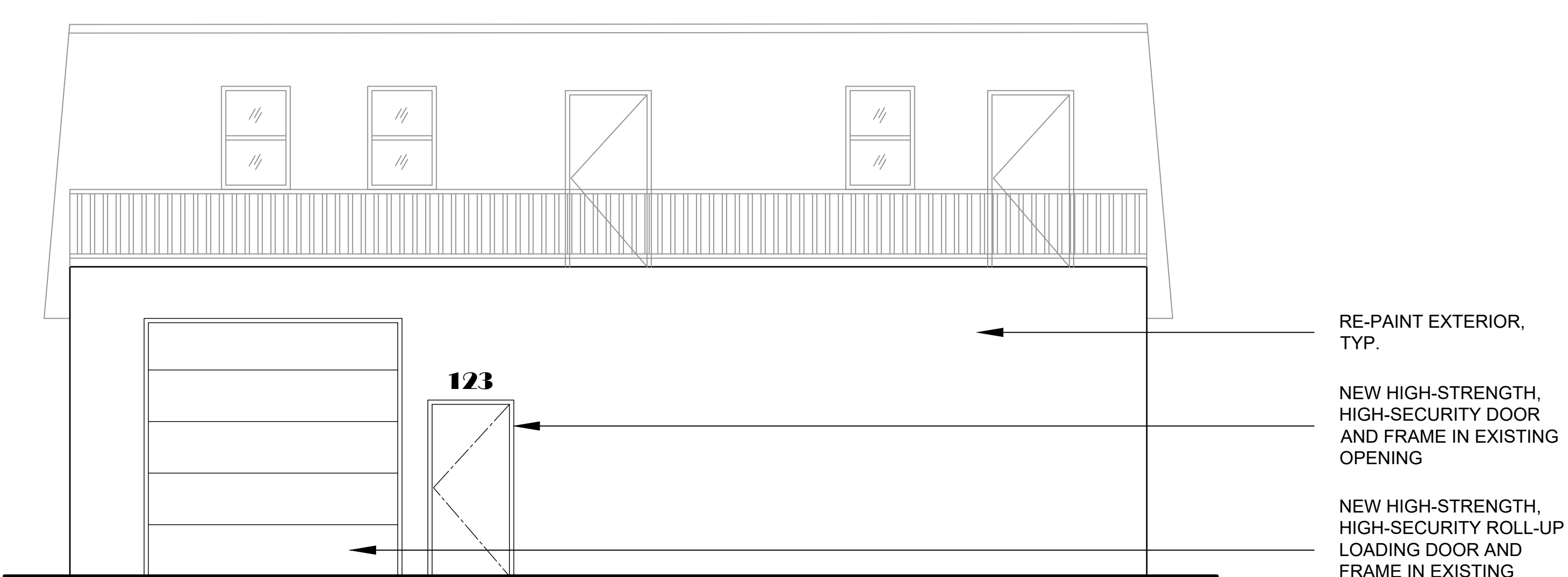
ISSUE DATE:	
21 NOVEMBER 2022	
PROJECT NUMBER:	
THP-05.22	



1
A3.1
Parking Lot (East) Facade
SCALE: 1/4" = 1'-0"



2
A3.1
Bay Avenue (North) Facade
SCALE: 1/4" = 1'-0"



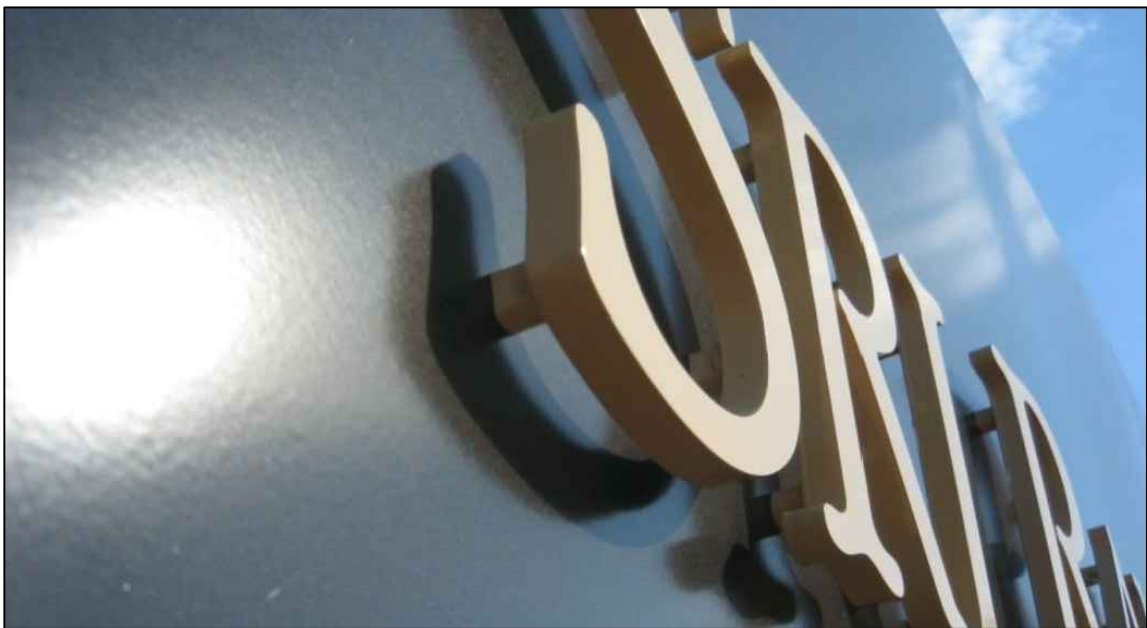
3
A3.1
2nd Ave (South) Facade
SCALE: 1/4" = 1'-0"



Storefront System
SCALE: N.T.S.



Goose Neck Lighting
SCALE: N.T.S.



Stand-off Pin Lettering
SCALE: N.T.S.

THE SUBJECT PROPERTY IS KNOWN AS LOT 3 IN BLOCK 46 SHOW ON SHEET 11 OF THE CURRENT TAX ASSESSMENT MAP FOR HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY.

THE SITE IS LOCATED IN THE CBD CENTRAL BUSINESS DISTRICT ZONE AND WITHIN THE C-R-0-2 REDEVELOPMENT OVERLAY. CANBIS RETAIL SALES ARE PERMITTED UNDER THIS ZONING DISTRICT AND OVERLAY. ALONG THE NORTHEASTLY CORNER OF SECOND STREET THERE IS AN EXISTING BUILDING WITH AN EXISTING PAVED DRIVEWAY AND PARKING AREA ON THE SOUTHERN PROPERTY. THE EXISTING BUILDING HAS A FIRST FLOOR FOOTPRINT AREA OF 3,925 SF FOR COMMERCIAL USE WITH TWO EMPLOYEES PER SHIFT. PROPOSED IMPROVEMENTS TO THE PLATFORD RD AND 12PM TO 5PM ON SUNDAY. PRODUCTS ARE BUILT AND UPGRADE EXISTING SITE IMPROVEMENTS FOR PROPOSED CANBIS RETAIL SALES AS A PERMITTED CONDITIONAL USE IN THE ZONE. APPLICANT ANTICIPATES THAT THE PROJECT-SITE WILL OPERATE WITH APPROXIMATELY 8 OR 7 EMPLOYEES PER SHIFT. PRODUCT DELIVERY WILL BE HANDLED THROUGH A FLATBED TRUCK AND ADAPTED TO THE EXISTING TYPICALLY DELIVERED AND OFFERED FOR SALE WITHIN PRE-PACKAGED SEALED CONTAINERS TO HELP AVOID OR MITIGATE ANY DAMAGE TO THE SURFACE. ABOUT ONE TRUCK PER HOUR OR OCCASIONAL SINGLE-UNIT TRUCK, APPROXIMATELY 4 OR 5 TIMES PER WEEK, UTILIZING THE EXISTING LOADING AREA AT THE REAR OF THE BUILDING. EXISTING UTILITY SERVICE CONNECTIONS WILL REMAIN FOR WATER, SEWER, GAS, ELECTRIC, PHONE, AND CABLE-TV.

CANBIS RETAIL SALES IS A PERMITTED CONDITIONAL USE IN THE CBD ZONE AND THE C-R-0-2 OVERLAY AS OUTLINED AT SECTION 21-97.M, PROVIDED THE APPLICABLE DESIGN STANDARDS OF ARTICLE II ARE MET TOGETHER WITH ANY OTHER APPLICABLE ORDINANCES. THE APPLICANT REQUESTS THAT THE CANBIS RETAILER SHALL NOT BE SITUATED WITHIN 1,000 FT OF ANY SCHOOL. APPLICANT ACKNOWLEDGES THESE CONDITIONS AS PART OF THE PROJECT'S DESIGN AND CONSTRUCTION.

PROJECT-SPECIFIC SITE PLANS SHALL BE PREPARED AND UPDATED TO SHOW INFORMATION AND DETAILS FOR EXISTING SITE CONDITIONS AND PROPOSED SITE IMPROVEMENTS INCLUDING PAVEMENT AND WALKWAYS, STRIPING, STOP BARS AND TRAFFIC SIGNALS, ADA SIGNAGE, TRASH ENCLOSURE, FENCING, LANDSCAPING, AND LIGHTING. GRADING PLAN SHALL PROVIDE SPOT ELEVATIONS FOR EXISTING TERRAINS, DRAINAGE CAMPS, ADA RAMPING AND ACCESSIBILITY, AND PROPOSED TERRAIN AND DRAINAGE.

AS OUTLINED AT ORDINANCE SECTION 21-65.10.A, THE APPLICANT ACKNOWLEDGES AND WILL PROVIDE A LANDSCAPING PLAN FOR ALL AREAS NOT DEVOTED TO STRUCTURES, PAVING, OR OTHER REQUIRED USES.

AS OUTLINED AT ORDINANCE SECTION 21-65.10.C.1 THE APPLICANT ACKNOWLEDGES THAT THE LANDSCAPING PLAN WILL PROVIDE SPECIFIC LOCATIONS FOR PLANTING MATERIAL TOGETHER WITH SIZE, QUANTITY, VARIETY, SPECIES, NOTES AND DETAIL FOR EACH PLANT OR TREE.

AS OUTLINED AT ORDINANCE SECTION 21-65.10.C.2 THE APPLICANT ACKNOWLEDGES AND THIS PRELIMINARY DRAWING SHOWS THAT 10 X 6 OF THE SITE AREA WILL BE DEDICATED TO LANDSCAPING AREA.

AS OUTLINED AT ORDINANCE SECTION 21-65.11 THE APPLICANT ACKNOWLEDGES THAT THE LANDSCAPING PLAN WILL ALSO PROVIDE A LIGHTING LAYOUT WITH SPECIFICATIONS, EVALUATION, NOTES AND DETAILS FOR PROPOSED LIGHTING INSTALLATION TO MEET THE ORDINANCE STANDARDS.

AS OUTLINED AT ORDINANCE SECTION 21-65.7 FENCES ARE PERMITTED TO BE UP TO 6-FIT IN HEIGHT ABOVE GROUND LEVEL. THE PROPOSED FENCE LINE IS LOCATED WITHIN THE SETBACK FROM THE FRONT YARD FENCING ALONG THE SECOND STREET FRONTAGE SHALL BE SITUATED BEHIND THE REQUIRED 0-FIT FRONT YARD SETBACK.

REFUSE AND RECYCLABLE MATERIALS ASSOCIATED WITH GENERAL OFFICE TRASH SHALL BE STORED WITHIN THE PROPOSED TRASH ENCLOSURE FOR PICK-UP ON DESIGNATED DAYS. HEMP/SPCAR CANBIS WASTE WILL BE STORED SEPARATELY INSIDE THE BUILDING. TRASH PICK-UP WILL BE PROVIDED BY PRIVATE HAULERS: A) FOR TYPICAL OFFICE WASTE AND RECYCLABLES AND B) FOR HEMP/SPCAR WASTE BY MEDICAL WASTE HAULER FOR SPECIFIC PICK-UP AS REQUIRED BY CODE.

PROPERTY OWNER'S GENERAL CONTRACTOR IS RESPONSIBLE FOR SITE GRADING AND CONSTRUCTION, AND PROJECT SAFETY, INCLUDING PROTECTIVE SHIELDING, SIGNAGE, AND TRAFFIC CONTROL. THE GENERAL CONTRACTOR SHALL CONTACT NJ ONE CALL SYSTEM AT (800)272-1000 PRIOR TO EXCAVATION ON-SITE OR WITHIN MUNICIPAL RIGHT-OF-WAY.

THE APPLICANT'S SITE PLAN IS DIRECTED TO THE FACT THAT APPROXIMATE LOCATIONS OF KNOWN UTILITY STRUCTURES AND FACILITIES THAT MAY BE ENCOUNTERED WITHIN OR ADJACENT TO THE SITE OR LIMITS OF WORK ARE SHOWN ON THE PLAN. THE ACCURACY AND COMPLETENESS OF THIS INFORMATION IS NOT GUARANTEED BY THE PROJECT'S CONTRACTOR. IT IS ADVISED TO VERIFY IN THE FIELD ALL THE FACTS CONCERNING THE LOCATION, SIZE, AND GRADE OF THESE UTILITIES OR OTHER CONSTRUCTION OBSTACLES PRIOR TO STARTING WORK. CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES THAT MAY AFFECT THE PROJECT'S DESIGN.

ANY DAMAGE TO EXISTING MUNICIPAL CURB, SIDEWALK, PAVEMENT, UTILITIES, AND/OR EXISTING STORM DRAINAGE INFRASTRUCTURE TO BE LEOPOLDED TO NEW OPENING SPACES. THEREFORE, THE REPLACEMENT AND THE SATISFACTION OF THE BOROUGH'S ENGINEERING.

ALL PROPOSED SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH TOWNSHIP ORDINANCE SECTION 21-65.19. DETAILS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION OR SIGN INSTALLATION.

MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR SITE IMPROVEMENTS AS SHOWN HEREIN SHALL BE IN ACCORDANCE WITH A) NJ DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION; B) NJ DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION; C) CURRENT PREVAILING MUNICIPAL AND/OR COUNTY SPECIFICATIONS, STANDARDS, AND REQUIREMENTS; D) CURRENT PREVAILING UTILITY COMPANY / UTILITY AUTHORITY SPECIFICATIONS; AND E) CURRENT PREVAILING MANUFACTURER'S SPECIFICATIONS; AND F) CURRENT PREVAILING ADA REGULATIONS, WHERE APPLICABLE.

FOR PUBLIC ACCOMMODATIONS OUTSIDE THE PUBLIC RIGHT-OF-WAY ACCESSIBILITY SHALL BE IN COMPLIANCE WITH THE 2010 ADA GUIDELINES FOR ACCESSIBLE TOILETS AND PUBLIC RESTROOMS. FOR PUBLIC ACCOMMODATIONS AT COMMERCIAL FACILITIES, UTILITY SITES AND FACILITIES LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, ACCESSIBILITY SHOULD COMPLY WITH THE CURRENT PUBLIC RIGHTS-OF-WAY ACCESS ADVISORY COMMITTEE GUIDELINE (PROWAG).

DEPRESSED CURB SHALL BE INSTALLED FLUSH WITH PAVEMENT GRADE TOGETHER WITH SIDEWALK CURBS RAMPS FOR BARRIER FREE TRANSITION TO LEOPOLDED TO NEW OPENING SPACES. THEREFORE, THE REPLACEMENT AND THE SATISFACTION OF THE BOROUGH'S ENGINEERING.

APPROVED CURB SHALL BE INSTALLED FLUSH WITH PAVEMENT GRADE TOGETHER WITH SIDEWALK CURBS RAMPS FOR BARRIER FREE TRANSITION TO LEOPOLDED TO NEW OPENING SPACES. THEREFORE, THE REPLACEMENT AND THE SATISFACTION OF THE BOROUGH'S ENGINEERING.

ANY EXISTING CURB CUTS AND/OR DEPRESSED CURB NOT PROPOSED TO BE REUSED SHALL BE REMOVED AND REPLACED WITH FULL-FACE CURBING. ANY DAMAGED AND/OR UNACCEPTABLE CURBING SHALL BE REMOVED AND REPLACED AT THE DIRECTION OF THE BOROUGH'S ENGINEERING.

ALL REGULATORY SIGNAGE AND STRIPING (e.g. STOP SIGNS, NO PARKING SIGNS, LEFT LANE STRIPPING, ETC.) SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE BOROUGH'S FIRE MARSHALL, TRAFFIC AND SAFETY DEPARTMENT, AND ENGINEER.

THE PROJECT SITE IS MORE THAN 500-FT FROM THE MEAN HIGH WATER LINE AND THE PROJECT CONSISTS OF LESS THAN 10 SWIMMING POOLS. THEREFORE, THE PROJECT DOES NOT TRIGGER THE NEED FOR NJDEP CAFRA PERMIT REVIEW.

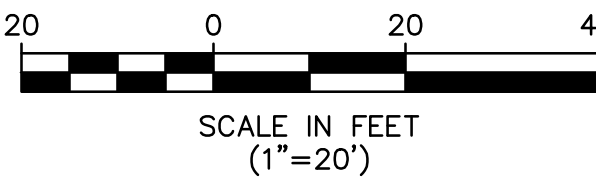
<u>EXISTING LOT COVERAGE</u>		
EXISTING BUILDING FOOTPRINT AREA =	3,925 SF	= 21.8 % COVERAGE
EXISTING DRIVEWAY & PARKING FOOTPRINT AREA =	9,633 SF	
EXISTING CONCRETE PAD, PARKING AND LOADING AREA =	925 SF	
EXISTING WALKWAY FOOTPRINT AREAS =	<u>1,022 SF</u>	
TOTAL EXISTING IMPERVIOUS COVERAGE =	15,505 SF	= 86.1 % COVERAGE


EXISTING BUILDING FOOTPRINT AREA (TO REMAIN) =	3,925 SF	= 21.8 % COVERAGE
PROPOSED DRIVEWAY & PARKING FOOTPRINT AREA =	9,674 SF	
EXISTING CONCRETE PAD, PARKING AND LOADING AREA =	925 SF	
PROPOSED WALKWAYS, CONC. PADS FOOTPRINT AREAS =	1,525 SF	
PROPOSED TRASH ENCLOSURE FOOTPRINT AREA =	<u>144 SF</u>	
TOTAL PROPOSED IMPERVIOUS COVERAGE =	16,193 SF	= 90.0 % COVERAGE

PROPOSED INCREASE IN IMPERVIOUS COVERAGE: 16,193 SF (PROP.) - 15,505 SF (EXIST.) = 688 SF
PROPOSED AREA OF DISTURBANCE = 12,600 SF = 0.29 ACRES.

PROPOSED BUILDING COMMERCIAL USE: 3,925 SF X 1 SPC/600 SF = 7 SPC
RESIDENTIAL APARTMENTS: 1.8 SPC/DU X 2 DU = 4 SPC

TOTAL REQUIRED PARKING = 11 SPC
TOTAL PARKING PROVIDED = 29 SPC
(SHARED PARKING ARRANGEMENTS FOR VARIOUS USES MAY APPLY AS WELL)



No.	DATE	REVISION	BY
<div style="border: 3px double black; padding: 10px; text-align: center;"> <h1 style="margin: 0;">EASTERN CIVIL ENGINEERING, LLC</h1> <p style="margin: 5px 0;">CIVIL ENGINEERING - SURVEYING & MAPPING - LAND USE PLANNING - SITE DESIGN</p> <p style="margin: 10px 0;">31 GRAND TOUR , HIGHLANDS NJ 07732 PHONE: 732.872.7736</p> </div>			
COLOR RENDERING EXHIBIT FOR <h2 style="margin: 0;">THE HONORABLE PLANT, LLC</h2> <p style="margin: 5px 0;">BLOCK 46 LOT 3</p> <p style="margin: 5px 0;">TAX MAP SHEET No. 11</p>		 ANDREW R. STOCKTON PROFESSIONAL ENGINEER & LAND SURVEYOR NEW JERSEY LIC. NO. 35405	
HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY			
DATE: 11--29--22	SCALE: 1" = 20'	DESIGN BY: ARS	PROJECT NO.: 2202138
			SHEET NO. 1 of 1



Item 4.

Borough of Highlands
42 Shore Drive, Highlands, NJ 07732
Phone: (732) 872-1224
www.highlandsborough.org

Zoning Permit Application

Note: All applications must be submitted with a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

The following **NON-REFUNDABLE** fees shall apply:

Residential Single & Two-Family

\$25 Check # Cash

Commercial/Other residential

\$50 Check # Cash ☒ 10/14

APPLICANT Name: The Honorable Plant Bernadette Dunphy Date: 10/10/22

Address: 308 Harding Road, Fair Haven, NJ 07404

Phone# 732-687-5660 Email: thehonorableplant@gmail.com

Block: 46 Lot(s): 3 Zone: CBD owner:

Street Address: 123 Bay Avenue, Highlands, NJ 07732 - Bay Ventures

Proposed Use is for a Cannabis Retail License - Class 5

Check one: ☒ New* ☐ Addition* ☐ Alteration ☐ Repair ☐ Other

I certify the attached survey is accurate relating to existing and proposed improvements. In addition, I grant permission to the Borough of Highlands and their Agents to come onto the subject property, for the purposes of conducting inspections, relating to the application.

YES ☒ NO ☐

Signature: Bernadette Dunphy Date: 10/10/22

Check applicable Flood Zone: ☐ AE ☐ VE ☒ X

All applications within the AE and VE Flood Zones, as indicated upon the most recent FEMA Flood Maps, require submission of a determination from the NJDEP.

Determination: Approved ☒ Denied ☐

Zoning Officer: Brian Phelan

If your application has been DENIED, it is due to the following:

Ordinance Section

Allowed/Required

Date: 10-19-22

Proposed

Remarks: PENDING LAND USE BOARD APPROVAL

Note: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands. A building permit is required (per the requirements of the Uniform Construction Code of NJ) BEFORE beginning work. The Zoning Permit is valid for one year. If your application has been denied, you may appeal this denial to the Land Use Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to the Land Use Board Secretary within 20 days.

* Note: Applications for New and Addition require a Flood Plain Review Application to the Borough Flood Administrator upon submission of this application.

BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900



42 SHORE DRIVE
HIGHLANDS, NJ 07732
COUNTY OF MONMOUTH

(732) 872-1224 PH
(732) 872-0670 FX

WWW.HIGHLANDBOROUGH.ORG

CAROLYN BROULLON
MAYOR

MICHAEL MUSCILLO
ADMINISTRATOR

NANCY TRAN
BOROUGH CLERK

10-19-2022

Bernadette Murphy
The Honorable Plant
308 Harding Rd
Fair Haven NJ 07704

Re: Cannabis Application at 123 Bay Ave

Dear Bernadette Murphy:

The above-referenced Property is located within the Central Business District, according to the Zoning Map of the Borough of Highlands dated July 2018. Pursuant to Ordinance O-21-21, authorized recreational marijuana retail facilities are a conditional use in Central Business District or Highway Oriented Business zones, with certain specified conditions, and require Land Use Board approval. Accordingly, your proposed adult use cannabis retailer site at 123 Bay Avenue is appropriately located within the Central Business District.

Specifically, the proposed use will be a permissible use of the Property upon Land Use Board approval.

Very truly yours,

Brian O'Callahan
Zoning Official
Borough of Highlands
(732) 615-2278



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-216

IN SUPPORT OF CANNABIS ESTABLISHMENT

WHEREAS, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

WHEREAS, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older;

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Act, which established the adult use cannabis program in the State of New Jersey.

WHEREAS, the Borough of Highlands endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

WHEREAS, the Borough of Highlands supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of Highlands to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M); and

WHEREAS, The Honorable Plant LLC has expressed interest in the siting of such a facility within the Borough of Highlands.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of The Honorable Plant LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M).

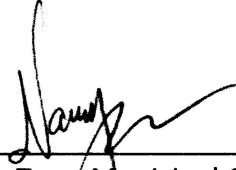
BE IT FURTHER RESOLVED, that due to the Borough's limit of a single Cannabis Retailer License, upon submission of a complete license application, the license applicant that receives Cannabis Regulatory Commission approval first in time shall be deemed approved by the Borough.

Motion to Approve R 22-216:

	INTRODUCED	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES			X			
CHELAK		X	X			
MELNYK				X		
OLSZEWSKI			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 5, 2022



Nancy Tran, Municipal Clerk
Borough of Highlands



HGPD- R1970

November 2, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
First Completeness Review**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, Section 21-58.D – Minor Site Plan.

The applicant submitted the following documents in support of this application:

1. Architectural & Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of four (4) sheets.
2. Land Use Board Application and supporting documents, dated October 21, 2022.
3. Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated October 27, 2022, consisting of three (3) sheets.
4. Business Plan/Operational report/narrative, unknown author, undated, consisting of fifteen (15) pages.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.D:

Preliminary Site Plan (Minor): The preliminary site plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include such details as may be necessary to properly evaluate the application and determine compliance with this chapter. The site plan shall be drawn by a licensed New Jersey professional engineer and land surveyor and, where applicable to the proposed use or construction, the following information shall be clearly shown.

1. Date, name, location of site, name of owner, scale and reference meridian. **Partially provided. The applicant shall indicate the owner and reference meridian on the plans.**
2. Area of the lot and all lot line dimensions and bearings. **Partially provided. Lot dimensions and bearings should be provided on the plans.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Partially provided. An aerial image is provided documenting adjacent features.**
4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Partially provided. The applicant shall clarify the side yard**



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
First Completeness Review

setback to the existing building appendage on the northwest side line. Additionally, the applicant shall clarify the lot coverage calculation, as this should include all impervious coverage. The plan notes “hardscape coverage” at 78.17%.

5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not provided. No new buildings are proposed.**
6. The location and widths of existing and proposed streets servicing the site plan. **Partially provided. The applicant shall provide the widths of the existing streets the subject property fronts.**
7. Specifications for and location of proposed surface paving and curbing. **Partially provided. The applicant shall provide specifications and construction details of the proposed surface paving.**
8. Location of all structures within seventy-five (75) feet of the property. **Partially provided. An aerial image is provided documenting adjacent features.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Partially provided.**
10. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable. No storm water management features are proposed.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Not provided.**
12. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Not applicable.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided, but site is existing and almost fully built out.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Partially provided.**



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
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First Completeness Review

16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Partially provided. The applicant notes that a trash enclosure can be provided behind the existing building. The applicant shall confirm that existing utilities will be retained.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs and lighting fixtures. **The applicant did not provide information on site lighting or proposed signage.**
18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided. The existing building's first floor elevation is not specified. The existing building is located within flood zone AE-11. Therefore, the building renovation plans should be designed in accordance with FEMA standards and the Borough of Highlands Flood Damage Prevention Ordinance requirements. I defer to the Borough Floodplain Manager for further review.**
19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Provided.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
21. Soil Borings, when required by the Board Engineer. **Not required.**
22. Certification statement for the required municipal signatures, stating: **Not provided.**
 - Application No. _____ approved/disapproved by the Highlands Land Use Board as a Minor Site Plan on _____.

(date)

Chairman

Secretary
23. Certification statement for the County Planning Board approval / disapproval, if required. **Project fronts on a County Road, therefore approval or letter of no interest will ultimately be required from the County Planning Board.**
24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter. **Informational.**



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
First Completeness Review**

Per Section 21-97.M of the Ordinance, a cannabis retailer may be permitted in the Central Business District (CBD) Zone provided that applicable Article XI Design Standards are met together with any other requirements deemed necessary by the Land Use Board and applicable requirements of this chapter. **Prior to the public hearing the applicant shall provide a narrative outlining compliance with all Article XI Design Standards, and any applicable relief required/requested.**

It should be noted that this application is being reviewed under the Central Business District (CBD) Zone criteria. The property is also located within the CBD Redevelopment Overlay 3 (C-RO-3) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-3 Zone criteria, but one or the other shall be identified.

Several items noted above have not been submitted to the Board, however adequate information has been provided in order to perform a technical review of the application. **The application shall therefore be deemed COMPLETE, pending confirmation from the Board Secretary that the balance of fees and escrows have been posted.**

We will also commence technical review upon same notification.

The application fee and escrow fee calculation letter will be provided under separate cover.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWH:KJO

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)
The Honorable Plant, LLC, Applicant (Thehonorableplant@gmail.com / bdunphy@comcast.net)
Bay Avenue Ventures, Owner (manderson@nppg.com)
Edward McKenna, Esq., Applicant's Attorney (yurkow@redbanklaw.com)
Rathunas, LLC, Applicant's Architect (info@rathunasllc.com)



| YOUR GOALS. OUR MISSION.

HGPB- R1970

November 2, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
Fee Determination**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

The applicant submitted the following documents in support of this application:

1. Architectural & Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of four (4) sheets.
2. Land Use Board Application and supporting documents, dated October 21, 2022.
3. Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated October 27, 2022, consisting of three (3) sheets.
4. Business Plan/Operational report/narrative, unknown author, undated, consisting of fifteen (15) pages.

Please note the following fee calculations:

1. **Application fee: \$1,350.00**
2. **Escrow fee: \$2,700.00**

Please note that the initial application deposits shall be deducted from the total fees shown.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWH:KJO

Att.



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
Fee Determination

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)
The Honorable Plant, LLC, Applicant (Thehonorableplant@gmail.com / bdunphy@comcast.net)
Bay Avenue Ventures, Owner (manderson@nppg.com)
Edward McKenna, Esq., Applicant's Attorney (yurkow@redbanklaw.com)
Rathunas, LLC, Applicant's Architect (info@rathunasllc.com)

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DETERMINATION OF FEES*
The Honorable Plant, LLC - 123 Bay Avenue
Block 46 Lot 3

A. APPLICATION FEES (Ord. 21-107)

A. Variances

3. Nonresidential "c" (side yard setback per 21-91.A.4.a)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (Outdoor living space per 21-91.A.4.b)	1	EA	\$	250.00	\$	250.00
4. Nonresidential "d3" (Section 21-97.M)	1	EA	\$	500.00	\$	500.00

C. Site Plans

2. Minor	1	EA	\$	100.00	\$	100.00
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E. Conditional Use Applications

1	EA	\$	250.00	\$	250.00
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B. ESCROW FEES (Ord. 21-108)

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	2,700.00	\$	2,700.00
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Application fees subtotal \$ 1,350.00

Escrow fee subtotal \$ 2,700.00

Total \$ 4,050.00

*It should be noted that this application is being reviewed under the Central Business District (CBD) Zone criteria. The property is also located within the CBD Redevelopment Overlay 3 (C-RO-3) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-3 Zone criteria, but one or the other shall be identified.



HGPB- R1960

November 16, 2022
Revised December 16, 2022

Nancy Tran, Land Use Board Secretary
 Borough of Highlands Land Use Board
 42 Shore Drive
 Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: The Honorable Plant, LLC
 123 Bay Avenue
 Block 46, Lot 3
 Central Business District (CBD) Zone
 Redevelopment Zone C-RO-2
 Minor Site Plan & Conditional Use Variance
 First Engineering Review**

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for Minor Site Plan and Conditional Use Variance approval. The applicant submitted the following documents in support of this application:

1. Architectural & Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of four (4) sheets.
 - a. This shall be referred to as "Site Plan A."
2. Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of one (1) sheet.
 - a. This shall be referred to as "Site Plan B."
3. Land Use Board Application and supporting documents, dated October 21, 2022.
4. Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated October 27, 2022, consisting of three (3) sheets.
5. Business Plan/Operational report/narrative, unknown author, undated, consisting of fifteen (15) pages.
6. **Architectural & Site Plans prepared by Rathunas LLC, dated November 23, 2022, consisting of seven (7) sheets.**
7. **Color Rendering Exhibit prepared by Andrew R. Stockton, P.E., P.L.S., of Eastern Civil Engineering, LLC, dated November 29, 2022, consisting of one (1) sheet.**

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

A. Project Description

The 18,000 square foot property is currently a developed lot with a two-story, 3,980 square feet footprint, mixed-use building containing vacant retail space on the first floor and residential apartments on the second floor. The site is located in the Central Business District (CBD) Zone



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Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

and the CBD Redevelopment Overlay 2 (C-RO-2) Zone of the Borough with dual frontage along Bay Avenue (County Route 8) and South Second Street. With this application, the applicant is seeking minor site plan and conditional use variance approval and is proposing to convert the first floor of the mixed-use building into a cannabis retail store while maintaining the existing second floor residential apartment space. The proposed cannabis retail use is a permitted conditional use in the CBD Zone and C-RO-2 Zone.

B. Planning and Zoning

1. The subject property is located within the CBD Zone and C-RO-2 Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone criteria and shall provide testimony confirming one or the other. The plans shall be revised to specify which Zone criteria is applicable and be designed in accordance with same.
2. In accordance with Section 21-91 of the Ordinance regarding CBD Zone criteria, existing/proposed bulk deficiencies are noted as follows:

CBD Zone	Required	Existing	Proposed
Minimum Lot Size	NA	18,000 SF	18,000 SF
Minimum Lot Frontage – <i>Bay Avenue (County Route 8)</i>	NA	120'	120'
Minimum Lot Frontage – <i>South Second Street</i>	NA	120'	120'
Minimum Lot Depth – <i>Bay Avenue (County Route 8)</i>	NA	149.9'	149.9'
Minimum Lot Depth – <i>South Second Street</i>	NA	149.9'	149.9'
Minimum Front Yard Setback – <i>Bay Avenue (County Route 8)</i>	0'	6' ^(C)	6' ^(C)
Minimum Front Yard Setback – <i>South Second Street</i>	0'	49'	49'
Minimum Rear Yard Setback	12'	NA	NA



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Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

Minimum Side Yard Setback*	5'	0.46' ^(E,C)	0.46' ^(V,C)
Maximum Building Height	36'	21.5'	21.5'
Maximum Building Coverage	35%	21.83%	21.83%
Maximum Lot Coverage	80%	86.1% ^(E)	90% ^(V)
Floor Area Ratio	0.65	0.30	0.30
Open Space Area per Section 21-91.A.4.b of the Ordinance	300 SF	250 SF ^(E)	250 SF ^(V)

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

*Section 21-91.A.4.a of the Ordinance indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.

3. In accordance with Section VII of the Central Business District Redevelopment Plan regarding C-RO-2 Zone criteria, existing/proposed bulk deficiencies are noted as follows:

C-RO-2 Zone	Required	Existing	Proposed
Minimum Lot Size	NA	18,000 SF	18,000 SF
Minimum Lot Frontage – Bay Avenue (County Route 8)	NA	120'	120'
Minimum Lot Frontage – Cornwall Street	NA	120'	120'



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November 16, 2022
Revised December 16, 2022
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Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

Minimum Lot Depth – Bay Avenue (County Route 8)	NA	149.9'	149.9'
Minimum Lot Depth – Cornwall Street	NA	149.9'	149.9'
Minimum Front Yard Setback – Bay Avenue (County Route 8)	2'	6'	6'
Minimum Front Yard Setback – Cornwall Street	2'	49'	49'
Minimum Rear Yard Setback	12'	NA	NA
Minimum Side Yard Setback*	5'	0.46' ^(E,C)	0.46' ^(V,C)
Maximum Building Height**	40'	21.5'	21.5'
Maximum Building Coverage	80%	21.83%	21.83%
Maximum Lot Coverage	80%	86.1% ^(E)	90% ^(V)
Floor Area Ratio	NA	0.30	0.30
Open Space Area per Section VII of the CBD Redevelopment Plan	200 SF	250 SF ^(E)	250 SF

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

*Section VII.A of the Central Business District Redevelopment Plan indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.



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November 16, 2022
Revised December 16, 2022
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**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

4. Although cannabis retail is a conditionally permitted use in the CBD Zone, the development does not meet the following requirements of Section 21-97.M of the Ordinance:
 - a. Section 21-97.M of the Ordinance permits one (1) cannabis retailer in the CBD Zone provided that applicable Article XI Design Standards are met, whereas the applicant does not meet several applicable design standards.
 - b. Section 21-97.M of the Ordinance prohibits a cannabis retailer from being located within 1,000 feet of any school. The subject property is adjacent to New Life Christian Church which may host “Sunday School” sessions. The Board should determine if this qualifies as a school and whether any potential restrictions should be placed on Sunday hours of operations.

Since all of the conditional use requirements have not been fully demonstrated, a “d(3)” use variance may be required. As noted below, the deficiencies related to the design standards appear to be curable by the applicant, which could eliminate the need for a d(3) conditional use variance.

5. The following design waivers are required:
 - a. Section 21-65.10A of the Ordinance indicates that all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped, and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided as part of this application. **The plans have been revised to include landscaping throughout the site. The Board shall determine whether the landscaping provided is sufficient.**
 - b. Section 21-65.10.C.1 of the Ordinance indicates that in non-residential zones landscape plans shall specify the location of the planting material, their minimum size at time of planting and size at full growth, quantity, variety, species (common name) and method of planting. **The plans have been revised to include landscaping throughout the site. The plans shall be revised to include a Landscaping Schedule identifying the planting information above.**
 - c. Section 21-65.10.C.2 of the Ordinance indicates that in non-residential zones a minimum of 10% of the area of the site shall be landscaped. No landscaping has been provided as



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Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

part of this application. **The plans have been revised to include a minimum of 10% area landscaping throughout the site.**

- d. Section 21-65.11 of the Ordinance speaks to lighting requirements for drives, aisles, and parking areas. The applicant did not provide any explicit lighting evaluation nor documentation of compliance with the Ordinance standards. **The Colored Rendering Exhibit notes the applicant's intent to fully comply with the lighting standards of the Ordinance.**
6. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
 - a. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
 - b. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
7. If ultimately necessary, in order for the Board to approve a "d(3)" variance, the applicant must satisfy the following:

With respect to the "positive criteria", our courts have held that applicants seeking a conditional use variance must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the Ordinance established to address those problems. This leaves the Board to focus on the *particular suitability* of the site



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**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

in accommodating the use despite its failure to meet the conditions. The Board shall consider whether there are particular features of the site that lessen or entirely offset the failure to meet the Ordinance conditions and then whether there are conditions that the Board could require that would offset the failure.

With respect to the “negative criteria”, the applicant shall demonstrate that the variance can be granted without substantial detriment to the public good. The focus here should be on the impact of the proposed use variance on adjacent properties and a determination of whether or not it will cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good.

Additionally, the applicant shall demonstrate that the grant of the variance for this specific project at the designated site is reconcilable with the Borough’s legislative determination that the condition should be imposed on all conditional uses in that zoning district, such that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

C. Site Requirements & Layout

1. The applicant does not propose any off-site improvements as part of this application. The plans shall be revised to show an existing conditions plan including off-site features such as driveway apron, curbing, and roadway limits. Should any driveway apron be required to be constructed or reconstructed the plans shall be revised to reflect this.
2. The property in question is 18,000 square feet in size and is currently a developed lot with a two-story, 3,980 square feet footprint, mixed-use building containing vacant retail space on the first floor and two (2) one-bedroom apartments on the second floor. The applicant proposes to convert the first floor of the mixed-use building into a 3,980 square feet cannabis retail store while maintaining the existing second floor residential apartment space.
3. The applicant has submitted two site plans with the same date. The applicant shall clarify which site plan is proposed at this time. **A revised plan and exhibit have been provided clarifying the proposed site layout.**
4. The two (2) site plans show the following circulation patterns:



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Revised December 16, 2022
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**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: The Honorable Plant, LLC
123 Bay Avenue
Block 46, Lot 3
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

- a. Site Plan A's site circulation includes two (2) driveway entrances; one on Bay Avenue (County Route 8) and one on South Second Street. The driveways allow ingress and egress, with two-way circulation around the site. **The revised plans maintain this circulation pattern and clarifies that the entrance on South Second Street is for emergency usage.**
 - b. Site Plan B's site circulation includes one (1) driveway entrance on Bay Avenue (County Route 8). The driveway allows ingress and egress, with two-way circulation around the site. **This site plan is no longer applicable.**
5. Under the CBD Zone, for the cannabis retail use, Section 21-65.14.D.7a.2 of the Ordinance requires one (1) off-street parking space per 600 square feet of retail store gross floor area. For the residential use, Table 4.4 of N.J.A.C. Section 5:21-4.14 of R.S.I.S. requires 1.8 off-street parking spaces per one-bedroom garden apartment. The following is a summary of the required off-street parking spaces:

Cannabis Retail:	1 space/300 SF (over 1,000)	@ 2,980 SF	9.9 spaces
One-Bedroom Apartment:	1.8 spaces per unit	@ 2 units	<u>3.6 spaces</u>

Total Required Spaces: 14 spaces

A total of 14 parking spaces are required per CBD Zone criteria, **whereas 29 parking spaces are proposed.** The applicant shall provide testimony on the anticipated parking demand and adequacy of the proposed number of parking spaces.

6. Table 208.2 of the 2010 ADA standards indicates that 2 ADA accessible parking spaces are to be provided when there are between 26 and 50 parking spaces, whereas four (4) ADA accessible parking spaces are provided. **It should be noted that the Colored Rendering Exhibit only shows two (2) ADA accessible parking spaces. This discrepancy shall be addressed, and the appropriate plans shall be revised.**
7. The applicant shall provide testimony on whether employee and/or apartment-specific parking spaces will be specified on-site.
8. We recommend that the applicant consider installing bike racks for the potential use of employees and/or customers. **The plans have been revised to include bicycle loops on-site.**



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9. We recommend that the applicant consider upgrading parking spaces and installing electric vehicle (EV) charging stations. The applicant shall provide testimony on compliance with N.J.A.C. 40:55D-66.18 through 21 regarding EV charging stations. **The plans have been revised to include one (1) electric vehicle charging station. The application shall provide testimony on compliance with the above statute and show the charging station equipment on the plans.**
10. The applicant shall provide testimony on truck loading areas required as part of the proposed improvements. Should Site Plan A be utilized, the plans shall be revised to show a gate entry and driveway off of South Second Street. **The plans have been revised to show the loading area and include an emergency access gate along South Second Street.**
11. The applicant shall provide testimony on the staging of trash and receptacles. We recommend trash enclosures be provided. **The plans have been revised to include a trash enclosure within the loading area.**
12. The plans shall be revised to confirm that the proposed security fence complies with Section 21-65.7 of the Ordinance. **There appear to be multiple discrepancies between the fencing proposed shown on the Revised Architectural & Site Plan and the Colored Rendering Exhibit. These discrepancies shall be addressed, and the appropriate plans shall be revised.**
13. Stop signs and stop bars shall be provided at the intersections of the proposed site driveway(s) and adjoining roadway(s).
14. The plans shall be revised to dimension all walkways, parking spaces, and driveway access aisles.
15. The plans shall be revised to clarify whether the existing utility pole on-site in the parking area will be relocated or protected. **Partially addressed. The Revised Architectural & Site Plan and the Colored Rendering Exhibit both show the utility pole being protected through different layouts. This discrepancy shall be addressed, and the appropriate plans shall be revised.**



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16. The applicant shall clarify what repairs are proposed to the parking lot. Based on the existing conditions and proposed site plan it appears that the parking lot will require full depth reconstruction to accommodate the expansion. **The revised plans indicate that the parking lot is to be milled and overlaid with new asphalt pavement. We recommend that base repairs be performed, and full depth pavement be constructed where necessary to expand the parking lot.**
17. The applicant shall clarify whether any concrete curb is proposed between the asphalt parking lot and sidewalk adjoining the building.
18. The plans shall be revised to differentiate between existing conditions to be maintained and proposed conditions. **A survey shall be provided.**
19. It should be noted that should the applicant elect to prepare the application in accordance with the C-RO-2 Zone criteria the application will be subject to all applicable vehicle parking, bicycle parking, buffering, and other redevelopment zone requirements and design standards.
20. **It should be noted that the layouts between the Revised Architectural & Site Plan and the Colored Rendering Exhibit show multiple discrepancies between the bicycle and parking layouts among other site items including but not limited to walkway widths and landscaping limits. These discrepancies shall be addressed, and the appropriate plans shall be revised.**

D. Traffic Impact

1. The applicant has not provided a traffic impact report. Though this is an existing site, the property has been vacant for an extended period of time and does not currently see any daily traffic. Additionally, the applicant proposes a change in use to the property and does not currently see daily traffic reflective of this use. The applicant's engineer shall provide testimony on the proposed traffic to be generated, circulation around the site, and whether any additional signage or pavement markings are necessary.
2. In our experience with cannabis retail facilities there is a significant demand for on-site parking and pedestrian queuing along the facility's building and adjacent sidewalks. The applicant shall provide testimony on vehicular and pedestrian queueing expectations, logistics, and layout.



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3. The applicant shall provide testimony as to the frequency and type of trucks that will access the entire site including those providing deliveries and garbage collection.
4. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times, and frequency of refuse pickup.
5. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering, as well as traffic lane markings.
6. **The plans have been revised to show a 3 feet tall masonry wall along the edge of the property between the existing sidewalk and proposed parking area. This may inhibit vehicles entering the site and utilizing the parking spaces along Bay Avenue. The applicant shall provide testimony on site circulation.**
7. **The area of the loading zone is in close proximity to the proposed trash enclosure area. The applicant shall provide testimony on circulation within the loading zone area. A Truck Turning Template may be required.**

E. Technical Engineering

1. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a "major development" as defined by NJAC. 7:8, and is not subject to the NJDEP Stormwater Management stormwater quantity, quality and recharge requirements of a major development.
2. The applicant shall provide testimony on existing drainage patterns along with roof leader locations and/or downspout discharge locations and condition.
3. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
4. The applicant shall confirm no sanitary sewer or water utilities will be impacted as a result of the subject application.



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5. The applicant shall provide testimony on the existing fire service water line size and location. We defer to the Borough Fire Official for review.
6. The applicant shall confirm whether a change in use warrants any upgrades in sanitary sewer service or applicable connection fees.
7. A grading plan shall be provided showing existing and proposed contours.
8. Grading information (spot shots) shall be provided for the handicap ramps and ADA accessible parking spaces to confirm compliance with current ADA standards.
9. The applicant shall provide testimony on the existing lighting levels throughout the entire site and compliance with Section 21-65.11 of the Ordinance. A lighting plan showing photometric lighting levels of the proposed features shall be required. **The Colored Rendering Exhibit notes the applicant's intent to fully comply with the lighting standards of the Ordinance.**
10. All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.
11. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. We defer further review to NJDEP.
12. The subject property is located within the "AE" Flood Zone with a Base Flood Elevation (BFE) of 11 feet. The applicant shall specify on the plans the proposed finished floor elevation. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property.

We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.

13. The applicant shall provide testimony on proposed flood mitigation measures.



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14. The Building Department should review the architectural plans for ADA compliance.

F. General

1. The applicant shall consider all performance standards for the operations of the proposed facility including but not limited to noise, glare, pollutants, and refuse management, and provide testimony on said standards. Specifically, the applicant shall provide testimony on odor control considering the second floor residential apartment space.
2. The applicant shall provide testimony on any proposed signage. All signage shall be indicated on the plans and comply with Section 21-65.19 of the Ordinance.
3. The following construction details shall be provided and comply with the standards of the Borough Ordinance, including but not limited to:
 - a. Asphalt pavement
 - b. Concrete sidewalk
 - c. Driveway apron
 - d. Concrete curb
 - e. Security fencing
 - f. ADA signage
 - g. Striping
 - h. Traffic Signage
4. The applicant shall provide testimony regarding any mechanical equipment proposed, such as A/C units and backup power generators, as well as any requirements for electric and other meters including any required platforms.
5. The applicant has indicated that no exterior renovations are proposed for the building. The applicant shall discuss interior renovations they have proposed.
6. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.



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7. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
8. Testimony shall be provided regarding the proposed uses. The applicant shall be prepared to discuss the following:
 - a. Security and access.
 - b. Hours of operation.
 - c. Number of employees (total and maximum per shift).
 - d. Frequency and type of trucks that will access the site.
 - e. Type of goods to be sold.
9. Approvals or waivers should be obtained from any outside agencies having jurisdiction. These may include, but shall not be limited to, the following:
 - a. New Jersey Department of Environmental Protection
 - i. CAFRA
 - b. Flood Hazard Official
 - c. Township of Middletown Sewerage Authority
 - d. New Jersey American Water
 - e. Borough Fire Official
 - f. Monmouth County Board of Health
 - g. Monmouth County Planning Board



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We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
 LAND USE BOARD ENGINEER

EWH:KJO

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
 Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
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 The Honorable Plant, LLC, Applicant (Thehonorableplant@gmail.com / bdunphy@comcast.net)
 Bay Avenue Ventures, Owner (manderson@nppg.com)
 Edward McKenna, Esq., Applicant's Attorney (yurkow@redbanklaw.com)
 Rathunas, LLC, Applicant's Architect (info@rathunasllc.com)

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Landuse Secretary

From: Pr. Marti McGrail <cometnewlife@aol.com>
Sent: Saturday, November 5, 2022 8:24 PM
To: Landuse Secretary
Subject: Conditional Use Ordinance 21-97

To Whom It May Concern:

Please be advised that in accordance with Conditional Use Ordinance 21-97 of the following:

New Life Christian Church, 125 Bay Avenue, Highlands, New Jersey, 07732, has operated both a Sunday School and numerous religious classes throughout the week at this facility since 1996. Prior to that religious studies at this facility date back to 1918.

Currently, teaching is done online from this and other locations due to the Covid Pandemic. New Life does not immediately know when in-person studies will resume at this facility. That decision will be determined by safe guidelines to resume classes and worship as set forth by government and healthcare guidelines.

Thank you.

Sincerely for SOULS,

Reverend Martin D. McGrail, Jr.
Pastor
New Life Christian Church
125 Bay Avenue, Highlands, New Jersey, 07732