

**Country Roads Realty, LLC**  
**Application for Preliminary Major Site Plan Approval, Final Major Site Plan Approval,**  
**and Bulk Variance Approval**  
**730 Buck Road / Block 44, Lot 4**  
**Elk Township, Gloucester County, New Jersey**

**Application Addendum**

**Part I – Application Summary**

Country Roads Realty, LLC (the “Applicant”) requests that the Elk Township Combined Planning and Zoning Board consider an application for Preliminary Major Site Plan Approval, Final Major Site Plan Approval, and Bulk Variance Approval for the development and use of a licensed Class 1 cannabis cultivation facility, including a 15,000 square-foot headhouse building, three (3) sealed greenhouse structures totaling 227,725+/- square feet along with associated air circulation and odor mitigation equipment, conversion of an existing 2,400 square-foot metal garage to an auxiliary drying building, conversion of an existing 1,750+/- single family residence to administrative office space, driveway, circulation, and parking lot improvements including gated entry access, three (3) truck loading stalls, and 48 passenger vehicle parking spaces, three (3) soil storage areas, perimeter landscape buffering, security fencing, stormwater management improvements, well and septic improvements, and site lighting, all to be located on 79.49+/- acres of land known as 730 Buck Road, identified on the Official Tax Maps for the Township of Elk as Block 44, Lot 4, within a Cannabis Establishment Overlay Zoning District (the “Property”).

Applicant requests bulk variance approval to permit: (i) eight (8) foot perimeter security fencing where §96-80.1(B) of the Township Code permits a maximum six (6) foot fencing within rear and side yards and a maximum four (4) foot fence height in a front yard; (ii) to provide three (3) truck loading spaces where 13 are otherwise required by §96-78.2; (iii) to permit an existing 1,750+/- residential structure to be used as administrative office space to remain with a 9.7+/- foot encroachment within the 100-foot perimeter buffer required by § 96-78.2(E)(2)(j) and within the 50-foot side yard setback required by § 96-78.2(E)(2)(f); and (iv) any and all other variances which may be identified during the course of review and/or presentation of this application.

**Part II – Compliance with Operational & Performance Standards**

Section 96-78.2 of the Elk Township Code provides that certain classes of Cannabis Establishments are permitted principal uses, and outlines a series of general operating, lot and building, parking, and loading requirements. The Site Plans accompanying this Application provide a zoning table demonstrating compliance with lot, building, parking, and loading requirements, while each applicable operating requirement is outlined below in **bold text**, followed by the Applicant’s means of compliance.

**§96-78.2(B)(1) – Permitted Uses: Cannabis establishments of Class 1 through 4 shall be permitted in the Cannabis Establishment Overlay Zone.**

The Applicant proposes to operate a Class 1 Cannabis Cultivation Establishment.

**§96-78.2(D) (General Requirements), (1): All cannabis establishments located within the Township shall meet all requirements for licensure and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.**

No cannabis-related activity will take place on the Property unless and until approval to commence operations is received from both the Township of Elk and the New Jersey Cannabis Regulatory Commission.

**§96-78.2(D)(2): All cannabis establishment operations shall be conducted within a building. No operations shall be conducted outside.**

All cannabis operations at the Property are proposed to be conducted within a building. No operations will be conducted outside.

**§96-78.2(D)(3): No cannabis establishment shall permit on-site consumption of cannabis or cannabis related products including no on-site sales and consumption of alcohol or tobacco products.**

The cannabis operation will not be open to the public, no consumption of cannabis products will be permitted, and no sales or consumption of alcohol or tobacco products is proposed.

**§96-78.2(D)(4): No outside storage of any cannabis, cannabis products or cannabis related materials shall be permitted.**

The outside storage of cannabis, cannabis products, or cannabis materials is not proposed and will not be permitted.

**§96-78.2(D)(5): For each cannabis establishment located within the Township, a security plan to be approved by Elk Township Police Department shall be provided to demonstrate how the facility will maintain effective security and control of the operations. The plan should include the following but not limited to: (a) Type of security systems to be installed. (b) Installation, operation and maintenance of security camera coverings all interior and exterior parking lots, loading areas and other such areas of the establishments. (c) Tracking and record keeping of products and materials. (d) Type of lighting provided in and around the establishments. (e) Location on site security team and armed guard on premises.**

A security plan providing the applicable detail has been provided to the Elk Township Police Department for review. The Applicant will continue to coordinate with the Elk Township Police Department to address any questions or concerns that arise.

**§96-78.2(D)(6): Building permit application requirements.** Any application for a building permit for a cannabis establishment use to be located in this district shall be accompanied by:

- (a) A plot or site plan of the gross property, showing the location of all present and proposed buildings, drives, parking lots, waste disposal facilities, screening fences or walls and other constructional features on the lot as well as streets, alleys, highways, streams and other topographical features inside and outside of the lot and within 200 feet of any lot line.
- (b) Plans and specifications bearing the seal of a registered architect or engineer.
- (c) A description of the operations proposed, in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.
- (d) Engineering and architectural plans for the treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
- (e) Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire hazard or harmful or obnoxious matter or radiation.
- (f) Designation of the fuel to be used and any necessary architectural and engineering plans for controlling smoke and/or odor.
- (g) Security plan approved by the Elk Township Police Department.
- (h) Evidence of appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.

The Applicant's building permit applications will contain all applicable detail outlined within this Section. Building permit applications will not be submitted unless the Applicant receives approval from the Elk Township Combined Planning and Zoning Board.

**§96-78.2(D)(7): Fire and explosive hazards.** All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate fire-suppression equipment shall be installed and maintained in an operable condition in accordance with the regulations of the Fire Marshal's Office, Construction Official and the regulations of applicable local, county, state, and federal agencies.

The Applicant does not propose to store any explosive or hazardous materials as part of this operation. All required fire suppression equipment shall be installed as required by code.

**§96-78.2(D)(8): Electrical disturbance. No activity shall be permitted which results in an electrical disturbance adversely affecting the operation of any equipment beyond the building in which the disturbance is created.**

The Applicant's operation and associated equipment will not create any electrical disturbances which could adversely affect equipment beyond the buildings in which they are located.

**§96-78.2(D)(9): Smoke, ash, dust, fume, vapor, gases and other forms of air pollution. There shall be no emission at any point from any chimney or otherwise which can cause damage to human health, to animals or vegetation, or to other forms of property, or which will cause any excessive soiling at any point.**

No emissions associated with the Applicant's operation will cause damage to human health, to animals or vegetation, or to other forms of property, or which will cause any excessive soiling at any point.

**§96-78.2(D)(10): Liquid and solid wastes. There shall be no discharge at any point, into any private or public sewerage system, or into any stream, or into the ground of any materials in such a way, or of such temperature, as to contaminate or otherwise cause the emission of hazardous materials except as regulated by applicable local, state, or federal agencies.**

No contaminated discharge will result from the Applicant's operation.

**§96-78.2(D)(11): No activity or use shall produce a sound pressure level on adjacent property in excess of the level permitted by the applicable laws of the State of New Jersey, and regulations adopted by the NJDEP, and as currently enforced by the Gloucester County Health Department or any other duly authorized enforcement agency.**

The Applicant's operation does not require the use of heavy machinery, and will therefore not produce any sound emissions in excess of applicable local, County, or State limitations.

**§96-78.2(D)(12): Vibration. No activity or operation shall produce at any point along the lot line continuous earth home vibrations greater than the maximum displacement as permitted in the following table:**

| Frequency<br>(Cycles per second) |                             | Residential<br>District Displacement<br>(in inches) | Nonresidential District<br>Displacement<br>(in inches) |
|----------------------------------|-----------------------------|-----------------------------------------------------|--------------------------------------------------------|
| Less than                        | Greater than or<br>equal to |                                                     |                                                        |
| 0                                | 10                          | 0.0004                                              | 0.0020                                                 |
| 10                               | 20                          | 0.0002                                              | 0.0010                                                 |
| 20                               | 30                          | 0.0001                                              | 0.0006                                                 |
| 30                               | 40                          | 0.0001                                              | 0.0004                                                 |
| 40                               | 50                          | 0.0001                                              | 0.0003                                                 |
| 50                               | —                           | 0.0001                                              | 0.0002                                                 |

The Applicant's operation does not require the use of heavy machinery, and will therefore not produce any vibrations in excess of the above limitations.

**§96-78.2(D)(13): Glare.** No activity or use shall produce a strong, dazzling light or reflection of same beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light, or reflection will not be a nuisance to adjoining properties, dwellings, streets, districts, or from adjacent buildings within an industrial park. In no event shall a lighting intensity greater than 0.125 footcandle, measured at grade, be permitted beyond the subject lot lines.

The Applicant's operation will not produce any glare, or light emissions that will emit a light intensity greater than 0.125 footcandles beyond the subject property line. Exterior lighting will be shielded, buffered and directed so that glare, direct light, or reflection will not be a nuisance to adjoining properties, dwellings, streets, districts, or adjacent buildings.

**§96-78.2(D)(14): Odor.** No operation shall release materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, that cause or will cause odorous matter or vapor to be generated so as to be readily discernible without instruments from any point along the boundaries of each lot.

The Applicant has enclosed specifications for its proposed odor mitigation equipment, which will be supplemented by testimony to establish that odor from the operation will not be discernible along the property boundary.

### **Part III – Request for Bulk Variance Approval**

Applicant requests bulk variance approval to permit: (i) eight (8) foot perimeter security fencing where §96-80.1(B) of the Township Code permits a maximum six (6) foot fencing within

rear and side yards and a maximum four (4) foot fence height in a front yard; (ii) to provide three (3) truck loading spaces where 13 are otherwise required by §96-78.2; (iii) to permit an existing 1,750+/- residential structure to be used as administrative office space to remain with a 9.7+/- foot encroachment within the 100-foot perimeter buffer required by § 96-78.2(E)(2)(j) and within the 50-foot side yard setback required by § 96-78.2(E)(2)(f); and (iv) any and all other variances which may be identified during the course of review and/or presentation of this application.

A. Standard of Review: Bulk Variance Relief

Applicant requests bulk or “c” variance relief as established by the New Jersey Municipal Land Use Law (the “MLUL”) at N.J.S.A. 40:55D-70(c). Specifically, N.J.S.A. 40:55D-70(c) provides that the Board has the authority to:

(1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

(2) Where in an application or appeal relating to a specific piece of property, the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act.

The above paragraphs represent the “positive criteria” which an applicant must satisfy under either sub-section (c)(1) or (c)(2). In addition to the positive criteria, an applicant requesting bulk variance relief under N.J.S.A. 40:55d-70(c)(1) or (c)(2) must also satisfy the “negative criteria,” as follows:

No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70.

Here, the Applicant’s requested relief could satisfy either the c(1) or c(2) criteria. With the above statutory criteria in mind, justification for the requested variance relief is set forth below.

1. The Positive Criteria – c(1)

With respect to the Applicant's request for bulk variance approval to permit an eight (8) foot perimeter security fence where §96-80.1(B) of the Township Code permits a maximum six (6) foot fencing within rear and side yards and a maximum four (4) foot fence height in a front yard, the Applicant's proposal to utilize eight-foot security fencing is related directly to a Cannabis Regulatory Commission requirement, mandating eight-foot security perimeter fencing around outdoor cultivation operations, which include greenhouse structures. See N.J.A.C. §17:30-10.3, et seq.

The Applicant is therefore obligated to provide the proposed fencing based specifically upon its proposed license type and proposed method of operation; denial of the requested relief would therefore prevent an otherwise permissible use from receiving State licensure, representing both an exceptional practical difficulty, and an exceptional and undue hardship upon the Applicant.

With respect to the Applicant's request for bulk variance approval to permit an existing 1,750+/- residential structure to be used as administrative office space to remain with a 9.7+/- foot encroachment within the 100-foot perimeter buffer required by § 96-78.2(E)(2)(j) and within the 50-foot side yard setback required by § 96-78.2(E)(2)(f), the subject structure was existing prior to the adoption of the Township's Cannabis Overlay Zoning District. Although it is associated with the Applicant's operation, no actual cannabis-related activity (*i.e.*, "plant-touching activity") is proposed to take place in this facility. The Applicant is therefore able to provide sufficient office space for its operation through adaptive re-use, without the need to construct any additional buildings. Conversely, denial of the requested relief would require demolition of the existing farm residence, based solely upon its existing location, which represents both an exceptional practical difficulty, and an exceptional and undue hardship upon the Applicant.

The above conditions related both to the proposed security fencing and adaptive re-use of the existing residential structure create a unique scenario, specific to this particular parcel, which necessitate the Applicant's limited and narrow request for bulk variance relief.

2. The Positive Criteria – c(2): the requested relief advances several purposes of the Municipal Land Use Law

The Applicant's request for relief also satisfies several purposes of the Municipal Land Use Law, such that the requested relief can – in whole or in part – also be granted pursuant to N.J.S.A. 40:55d-70(c)(2). The Applicant submits that its limited requests for bulk variance relief advance the following purposes of the MLUL:

Purpose (g): "To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens." N.J.S.A. 40:55D-2(g).

Purpose (i): "To promote a desirable visual environment through creative development techniques and good civic design and arrangement." N.J.S.A. 40:55D-2(i).

Purpose (a): “To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.”

With respect to the Applicant’s request for bulk variance approval to permit an eight (8) foot perimeter security fence where §96-80.1(B) of the Township Code permits a maximum six (6) foot fencing within rear and side yards and a maximum four (4) foot fence height in a front yard, the Applicant incorporates its reference to Cannabis Regulatory Commission requirements to provide eight-foot fencing within the analysis of the c(1) positive criteria, above. Compliance with the State’s security requirements clearly advances Purpose (a). Similarly, providing the required fencing only around the perimeter of the developed area, which is located within a 19+/- acre interior area of the 79+/- acre site, buffered by existing and proposed vegetation, also allows for the advancement of Purposes (g) and (i).

With respect to the Applicant’s request for bulk variance approval to permit an existing 1,750+/- residential structure to be used as administrative office space to remain with a 9.7+/- foot encroachment within the 100-foot perimeter buffer required by § 96-78.2(E)(2)(j) and within the 50-foot side yard setback required by § 96-78.2(E)(2)(f), the Applicant incorporates its references to the pre-existing nature of the structure within the analysis of the c(1) positive criteria, above. The ability to re-use existing structures for low-impact administrative office use, without requiring demolition, re-construction, or additional land disturbance, advances Purposes (a), (g), and (i) concurrently.

Finally, with respect to the Applicant’s request to provide three (3) truck loading spaces where 13 are otherwise required by §96-78.2, the Applicant’s Traffic Impact Study, along with supporting operational testimony to be provided, establish that the proposed use and development does not require a significant amount of truck traffic, such that 13 trailer parking spaces are not justified. Because the Applicant is proposing greenhouse construction as opposed to traditional warehouse construction, the scope of the proposed improvements do not lend themselves to heavier industrial uses in the future. The creation of ten (10) additional trailer parking spaces would only result in the construction of unused, unnecessary impervious coverage, increasing the footprint and impact of the development in a manner which is inconsistent with the scope of the Applicant’s use and the associated improvements. These factors support the advancement of Purposes (a), (g), and (i) concurrently.

### 3. The Negative Criteria

With respect to the negative criteria, the Applicant’s requested relief does not result in a substantial detriment to the public good, and does not substantially impair the intent and purpose of the Township’s zoning plan.

The Applicant’s requested relief seeks to accommodate and balance the existing conditions of the Property, the practical needs of the proposed operation, and the security regulations imposed upon the Applicant by the State, with the Township’s zoning ordinance requirements. The requested relief for an eight-foot security fence applies to areas within the interior of the site which are buffered by existing and proposed vegetation, and will have no visual impact, let alone any

detrimental impact overall, to the surrounding area. The requested setback relief applies to an existing structure, which will not be altered, will only accommodate administrative office use, and will not facilitate any plant-touching activity, once again having no visual impact, let alone any detrimental impact overall, to the surrounding area. Finally, the requested relief to provide fewer trailer parking spaces is tailored directly to the scope of the applicant's operation and associated improvements, and allows for a lower impact development which represents an overall benefit, and has no identifiable detriment to the surrounding area.

Overall, the scope of the Applicant's requested relief is *de minimus*, and is narrowly tailored to accomplish a specific objective. Granting the requested relief would not have any impact upon the intent or purpose of the Township's overall zoning ordinances, and would not detract from the intent or purpose of the Township's master plan. Instead, the requested relief aligns with and advances the broader goals outlined in the MLUL, promoting creative development techniques, good civic design, and efficient use of land, all of which contribute positively to the public health, safety, and welfare of the Township and surrounding neighborhood.

#### **Part IV– The Requested Submission Waivers are Reasonable and Justified**

The Municipal Land Use Law recognizes a land use board's authority to grant waivers from the submission requirements established by ordinance, so long as the Applicant provides all detail reasonably necessary for the board to make an informed decision that the requirements necessary for approval of the application have been met. N.J.S.A. 40:55D-10.3.

The requested submission waivers identified within the Development Checklist, along with the supporting justifications attached thereto, represent reasonable and limited requests for deviations from the submission requirements based upon the scope of proposed improvements, location of the property, or based upon details which may not be applicable to this application. The Applicant submits that the materials enclosed are therefore compliant, and allow the board to make an informed decision that the requirements necessary for approval of the application have been met.

If required by the Board, the Applicant agrees to provide such other information which may be desired, as a condition of any approvals granted.

#### **Part V– Conclusion and Request for Approval**

Based upon the Application submission, the reasons set forth in this addendum, and any testimony and exhibits to be presented during the public hearing for this application, the Applicant respectfully submits that it has established compliance with performance and operational standards applicable to its proposed use and development, and that both the positive and negative criteria for the requested bulk variance approvals have been satisfied. The Applicant respectfully requests that the Board grant this Application, including any and all other approvals, submission waivers, design waivers, variances, interpretations, and/or other such relief that may be necessary to allow for the development and use of the Property as presented within this Application, or with such changes as may be requested and/or accepted by the Board.