

Application # 504-SP

SITE PLAN APPLICATION

Monroe Township Planning Board/Zoning Board of Adjustment
125 Virginia Avenue,
Williamstown, NJ 08094
(856) 728-9800 Ext. 271/279

ALL INFORMATION MUST BE COMPLETED BEFORE ACCEPTANCE BY EITHER BOARD. PLEASE USE THE ATTACHED CHECK LIST. FAILURE TO DO SO WILL CAUSE YOUR APPLICATION TO BE DELAYED.

I. TYPE OF APPLICATION

Minor Site Plan X Preliminary Major Site Plan _____ Final Major Site Plan _____
Preliminary & Final Major Site Plan _____

II. GENERAL INFORMATION:

- A. Applicant's Name Acreage CCF New Jersey, LLC
Address 366 Madison Avenue, 11th Floor City New York
State NY Zip Code 10017 Email _____
Phone (646) 600-9181 Fax _____
- B. Owner's Name 2090 Blackhorse LLC
Address 1025 Old Country Rd #425 City Westbury
State NY Zip Code 11590-5661 Phone _____ Fax _____
- C. Attorney William L. Horner, Esq.
Address 67 Market Street, PO Box 66 City Salem
State NJ Zip Code 08079 Email wlh@hornerlaw.com
Phone (856) 935-0958 Fax (856) 935-1708
- D. Engineer/Surveyor John J. Hess, PE, PP; CME Associates
Address 849 West Bay Avenue, Suite 7 City Barnegat
State NJ Zip Code 08005 Email jhess@cmeusa1.com
Phone (732) 410-2650 Fax (609) 698-1680
- E. Is Applicant a Partnership or Corporation X Yes _____ No _____
- F. If Applicant is a Partnership or Corporation: NJ Limited Liability Company
1. Attach certified resolution authorizing this development and stating authorized agent.
2. Provide Partnership or Corporate Disclosure Statement as per N.J.S.A. 40:55D-48.1 through 40:55D-48.4.
- G. If Applicant is other than Owner, attach a copy of the Agreement of Sale or document conferring a legal or equitable interest upon the Applicant.

III. INFORMATION REGARDING THE PROPERTY:

A. The location of the property is: 2090 N. Black Horse Pike

B. The location of the property is approximately 0 feet from the intersection of N. Black Horse Pike and Cross Keys - Berlin Road

C. The Block number(s) is 101

D. Lot number(s) 1.01

E. Existing Use of Property: Community Commercial ("retail business and service establishment")
Proposed Use of Property: Community Commercial ("retail business and service establishment")

F. The zone in which the property is located is "C" Commercial District
(The Zoning Office can help determine this information)

G. Acreage of the entire site is 1.16 Acres Being developed is N/A

H. Is the subject property located on a County Road? Yes X No _____
Is the subject property located on a State Road? Yes X No _____
Is it within 200 feet of a Municipal Boundary? Yes X No _____

I. The name of the business or activity (if any) retail medical cannabis dispensary

J. Are there deed restrictions that apply or are contemplated? Yes X* No _____
(If yes, attach a copy) * See Attachment

K. Are any variances and/or waivers required? Yes _____ No X*
If your answer above was yes, please answer the following: * See Attachment

(1) Type of variance(s) and/or waiver(s) _____

L. Improvements: List all proposed on site utility and off-tract improvements.
No new improvements are proposed.

M. Plat submission: List maps and other exhibits accompanying this application.
See Minor Site Plan Check List

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IV. Submission Requirements, Fees, Authorization & Verification

Attached hereto and made part of this application, I have submitted the appropriate documents along with the appropriate fees for a site plan application.

The Applicant, as a condition of submission, agrees to pay, in escrow, all reasonable and necessary costs for professional review of the application and plans for inspection of required improvements and for other professional services required by this application. The escrow fee is an estimate only. You will be required to pay additional escrow fees if the total invoices exceed this amount. If there is remaining escrow money after all invoices are paid, it will be returned to you.

I certify the statements and information contained in this application is true.

Applicant *Robert J. Daino* Date 9/25/2020
Print Name ROBERT J DAINO

Owner _____ Date _____
Print Name _____

Date received by the Board _____

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I certify the statements and information contained in this application is true.

Applicant _____ Date _____
Print Name _____

Owner [Signature], Manager Date 9/25/2000
Print Name Jasen Washford, Manager

Date received by the Board _____

Attachment to Application
Acreage CCF New Jersey LLC
Monroe Township Block 101, Lot 1.01

Section J (deed restrictions):

The applicant has provided a copy of the Schedule B Exceptions from the property owner's title insurance policy showing various easements, covenants and restrictions of record that affect the subject property. The documents that are listed as Exceptions 7 through 10 appear, based on their recording information, to be rather old, and copies are not available through the Gloucester County Clerk's online service. Otherwise, copies of the documents listed as Exceptions 11 through 16 are available online and have been provided. These interests consist of three Atlantic City Electric "unspecified" easements for electric facilities; a Gloucester County road widening easement; a sewer line easement for the benefit of the subject property over adjoining Lot 1.02 (shown on the applicant's plan); and an access easement for the benefit of the applicant's property over adjoining Lot 1 (referenced on the applicant's plan). The applicant is not aware of any easements, covenants or restrictions of record that would interfere with the applicant's proposed occupancy and use of the subject property. The applicant proposes no new easements, covenants or restrictions in connection with the applicant's proposed occupancy and use of the subject property.

Section K (previously granted variances and design waivers for commercial strip mall):

In 2002 the Monroe Township Planning Board granted preliminary and final major site plan approval for construction of the commercial strip mall that is located at the subject property (Resolution #360-SP, dated March 18, 2002). The original occupants of the portions of the strip mall for which the Applicant now seeks approval were a phone store and a coffee shop, both of which were, and still are, permitted retail uses. The 2002 site plan depicted the subject portions of the strip mall building as "proposed retail" rather than by reference to the specific business names of the then-proposed occupants.

The Board's 2002 approval also included "bulk" variance relief pursuant to *N.J.S.A. 40:55D-70(c)(2)* for rear yard setbacks, buffers, and off-street parking requirements of Ordinance Section 175-63.C. and D., as well as design waivers for parking areas, solid waste receptacle locations, multiple principal uses, and signage.

The Applicant's proposed use, a retail medical cannabis dispensary, is permitted in Monroe's C-Commercial districts as a "retail business and service establishment" within the "community commercial" use category. Other than signage, the applicant is proposing no changes to the exterior of the strip mall building, or to the existing site improvements at the property. The subject property still features the same rear yard setbacks, buffers, and number of parking spaces that were approved in 2002, as well as all other site improvements that were allowed and/or required at that time.

Under these circumstances the Applicant believes the Board should conclude, pursuant to the New Jersey Supreme Court's decision in *Stop & Shop Supermarket Co. v. Springfield Board of Adjustment*, 162 N.J. 418 (2000), that the benefits of the previously granted variances and design waivers for prior permitted retail uses should continue to be available to the Applicant, whose proposed use also constitutes a permitted retail use, without the need for new variance or waiver relief. Put more simply, the variances and design waivers that were previously granted for the subject property should be deemed by the Board to "run with the land" for all permitted retail uses, including the Applicant's, regardless of possible distinctions between specific retail business types.