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April 8, 2024

Monroe Township – Planning Board  
125 Virginia Avenue  
Williamstown, NJ 08094

Attn : Amy Gallagher - Planning Board Secretary

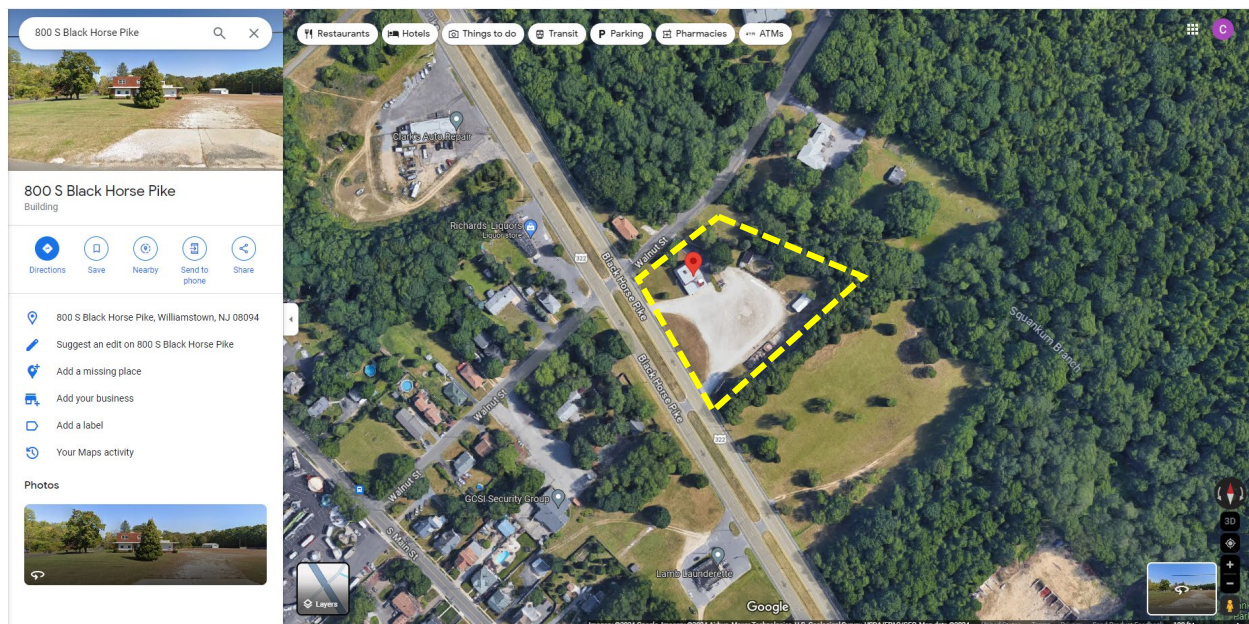
**Re: Applicant: Not Your Mother's Garden (Application #539-SP)**  
**Major Site Plan**  
**Location: 800 S. Black Horse Pike**  
**Block 2902, Lot 5**  
**Zone – RG-C (Regional Growth – Commercial)**  
**Our File: HMGL2902.01**

Dear Ms. Gallagher,

As requested, we have reviewed the above-referenced application for site plan approval.

## 1. Summary

The site is a 2+ acres lot located on the corner of South Black Horse Pike and Walnut Street within the Pinelands portion of the Township, containing several small commercial structures and a residence. The applicant is proposing to construct a new building on site to be used as a cannabis retail business. Variances or Waivers are required for insufficient buffering, insufficient landscaping, parking stall size, loading space, and wetlands encroachment.





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## **2. Project Description**

The subject site is located on the north side of the Black Horse Pike at the intersection with Walnut Street. The 94,674 s.f. lot is currently developed with a single family home and multiple small commercial shed structures, as well as several concrete storage bins. Much of the site is a stone parking area. The site currently has two driveway openings onto the Black Horse Pike that lead to the stone parking area, and a driveway on Walnut Street. A billboard is also located on the southern end of the site facing the Black Horse Pike. The eastern edges of the property are noted to be wetlands.

The is located within the Pinelands, and is subject to the Pinelands Commission review.

The applicant is proposing to remove the existing stone parking lot and several concrete pads on the site and construct a new 2,584 s.f. commercial building on the site that will be used as a cannabis retail business. The existing home and commercial shed structures are proposed to remain on the site. A new parking lot and driveways will be constructed to service the site. The new parking lot will be accessed by using the two existing curb cuts on the Black Horse Pike, and will provide 25 new parking spaces, with two of them being ADA accessible spaces. The existing asphalt driveway onto Walnut Street will be removed, although the curb cut will remain.

The site is surrounded primarily by commercial and light industrial uses along the Black Horse Pike, while Walnut Street is developed with a mix of single family and multi-family uses. To the east of the site is wooded lands and wetlands along a creek identified as Squankum Branch.

## **3. Zoning**

The site is located in the RG-C Commercial Zoning District of the Township, and within the Pinelands.

A range of commercial uses are permitted in the RG-C district. Class 5 cannabis retail businesses are expressly permitted in the RG-C district.

Cannabis retail uses are permitted in the CR&D overlay district subject to the following conditions:

- Any cannabis business must be a minimum of 1,000 feet from any school.
- All dispensaries shall be within enclosed buildings with appropriate HVAC systems.
- Signage shall comply with Section 175-135 of the Township Code.
- A safety and security plan, and emergency access plan shall be submitted with all site plan applications.



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- A hazardous materials inventory shall be provided.
- An environmental impact statement shall be provided.
- A waste control plan shall be provided.
- Hours of operation shall be limited to 10:00 am to 10:00 pm.
- A secure location inside the building shall be provided for storage of products.
- No loitering shall be permitted on the premises outside of the building. Space for queuing must be provided inside the building.
- At least one armed security guard is required on the premises during hours of operation.

All development in the Regional Growth Commercial (RG-C) District is subject to the following bulk standards:

Bulk Standards – Cannabis Retail			
	Requirement	Proposed	Variance / Waiver
Min. Lot Area	20,000 s.f.	94,674 s.f.	No
Min. Lot Width	100 feet	344.29 feet	No
Min. Front Yard Setback	50 feet	78.4 feet	No
Min. Side Yard	20 feet (east side)	+/- 25 feet	No
	30 feet (Walnut)	56.6 feet	No
Min. Rear Yard	50 feet	<b>+/- 10 feet</b>	<b>(ENC)</b>
Max. Lot Coverage	70%	+/- 60%	No
Parking Stall Dimensions	10' x 20'	<b>9'x18'</b>	<b>W</b>
<i>(V) Variance Required, (W) Waiver Required, (ENC) Pre-existing Non-conformity</i>			



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Bulk Standards – RG-C District (warehouse use)			
	Requirement	Proposed	Variance / Waiver
Min. Lot Area	80,000 s.f.	94,674 s.f.	No
Min. Lot Width	150 feet	344.29 feet	No
Min. Lot Frontage	150 feet	344.29 feet	No
Min. Front Yard Setback	100 feet	78.4 feet	No
Min. Side Yard	30 feet (east side) 45 feet (Walnut)	+/- 25 feet 56.6 feet	(ENC)
Min. Rear Yard	50 feet	+/- 10 feet	(ENC)
Max. Lot Coverage	65%	+/- 60%	No
Min. Landscape Buffers	50 feet	+/- 20 feet (east) +/- 10 feet (north)	(ENC) (ENC)
Max. Building Height	35 feet	??	??
Min. Parking Spaces	21 spaces	25 spaces	No
Parking Stall Dimensions	10' x 20'	9'x18'	W
(V) Variance Required, (W) Waiver Required, (ENC) Pre-existing Non-conformity			

#### 4. Variances Required

It appears that the following variances may be required of this application as proposed:

- §175-Attachment 4** – The minimum required side yard setback is 30 feet, where an existing structure on site is setback approximately 25 feet from the east side property line.
- §175-Attachment 4** – The minimum required rear yard setback is 50 feet, where an existing structure on site is setback approximately 10 feet from the rear property line.
- §175-Attachment 4** – The minimum required width of landscaped buffers is 50 feet, where several existing buildings encroach into these required buffer areas.





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- d. **§175-89.E** – No accessory structures are permitted within any required buffer areas. Several accessory structures encroach into the 50-foot buffer area on the east and north side of the property.

## 5. Waivers Required

The following exceptions from the design standards of the Township code appear to be required of this application as proposed:

- e. **§175-123.E(1)** – Parking stalls are required to have minimum dimensions of 10'x20', where stalls of 9'x18' are proposed.
- f. **§175-123.E(1)**: One (1) parking space is required to be 12 feet wide in order to accommodate for persons with disabilities. The ADA spaces proposed do appear to meet the width and depth requirements to meet the Federal ADA requirements however.
- g. **§175-123.H** – A minimum of one tree per 20 parking spaces are required within the parking areas. No trees are proposed within the parking lots. Several juniper shrubs are proposed within the parking islands, and several trees are proposed outside of the parking area, but none within.
- h. **§175-123.I(1)** – A minimum of one loading space is required for every retail business, where no loading space is proposed.
- i. **§175-151.A** – No development is permitted within any wetlands areas.

## 6. Planning Comments

- a. The applicant should provide testimony clarifying the existing uses of the buildings on the site and addressing the extents of proposed renovations.
  - i. Of the existing structures that will remain, how will they be used?
  - ii. Will any of the existing structures or uses on the site have any relation to the cannabis retail business that is proposed?
  - iii. It appears that the existing driveway to Walnut Street will be removed by the curb cut to the street will remain. The applicant should clarify the purpose of keeping the apron at this location while also removing the driveway.
- b. The applicant should address all of the standards required for a cannabis retail business.
  - i. Address status of Township and state licensure for a cannabis retail business.



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- ii. No safety and security plan has been provided.
  - iii. No odor management plan has been provided.
  - iv. No waste control plan has been provided.
  - v. No environmental impact statement has been provided.
- c. As per Ordinance 22-2023, on-site consumption is permitted only within a Township permitted consumption lounge. The applicant should clarify whether any on-site consumption is being sought.
- d. Several bulk variances are required of this application. For each variance, the positive and negative criteria must be satisfied:
  - i. Positive Criteria: the applicant must show that either there is a practical hardship in conforming to the requirements of the code, or that the proposed conditions are a preferable alternative, and will generally advance the purposes of zoning.
  - ii. Negative Criteria: the applicant must show that the variances can be granted without substantial detriment to the public good, and without substantially impairing the intent and purpose of the zoning ordinance.
- e. It appears that each required variance is for an existing non-conforming condition on the site that will not be impacted by the proposed new construction.
- f. The applicant will also require several waivers from the design requirements of the Township code. These include the buffer encroachments, parking stall size, lack of landscaping in the parking area, and lack of a loading space. For any design waiver, the applicant must show that the proposed conditions are reasonable given the circumstances, and are not a substantial deviation from the intent of the code.
- g. The applicant should address how loading and deliveries are anticipated to take place on the site.
- h. No architectural drawings have been provided illustrating the proposed building. Building elevations should be provided showing the proposed building materials and colors.
- i. No information on signage has been provided. The applicant should clarify whether any new signage is proposed.



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- j. It appears that there is room on the site for additional landscaping. We recommend that ornamental trees be planted in front of the parking area along the Black Horse Pike, and that foundation plantings be provided around the perimeter of the new building.
- k. The applicant has requested a waiver for encroaching into a wetlands buffer area. Based on the drawings provided, it is not clear what disturbance of a wetland buffer is proposed. The applicant should clarify.
- l. We defer to the Board Engineer for any further comment regarding grading, stormwater, utilities, drainage, lighting, and circulation.

If you have any questions, please do not hesitate to reach out to me directly at [cdochney@cmeusa1.com](mailto:cdochney@cmeusa1.com).

Sincerely,  
**CME Associates**

Christopher Dochney, PP, AICP  
*Planning Board Planner*

CD

cc: Joseph Rocco, Esq. – Planning Board Solicitor  
Tim Kernan, PP, PE. – Planning Board Engineer  
Not Your Mother's Garden, LLC. – Applicant  
Keith E Conroy Engineers. – Applicant's Engineer  
Leonard Schwartz, Esq. – Applicant's Attorney



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The following materials have been received by our office:

- a. Monroe Township Planning Board/Zoning Board of Adjustment Site Plan Application form and application rider, dated February 5, 2024;
- b. Copy of Certificate of Filing with NJ Pinelands Commission, dated December 18, 2023;
- c. Stormwater Investigation Letter, prepared by Acer Associates, dated January 12, 2023;
- d. Stormwater Drainage Calculations report, prepared by Keith E. Conroy Engineers, dated September 8, 2023;
- e. Stormwater Management Maintenance Manual, prepared by Keith E. Conroy Engineers, dated March 12, 2024;
- f. Copy of Deed to property, dated March 11, 2022;
- g. Six (6) sheet set of site plan drawings, prepared by Keith Conroy Engineers and Rodier Ebersberger Architects, dated March 5, 2024;