

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB23-01**

WHEREAS, HiBlend, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin for a use variance to construct a facility for the cultivation and manufacture of cannabis, as well as a variance for two uses on one lot; and

WHEREAS, the property in question is located on Catawba Avenue and known as Lot 11, Block 7002, on the tax map of Franklin Township, said property being in a Residential Agricultural Zone; and

WHEREAS, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Louis N. Magazzu, Esquire appeared on behalf of the applicant and presented the testimony of property owner Christopher Previtera, Matthew Randall, CEO of HiBlend, LLC, James Kyle, Professional Planner, Jesse McDonald to address odor mitigation and Mr. White to address security. The applicant also presented Exhibit A-1, a Concept Plan dated April 6, 2023, as well as Exhibit A-2, an aerial photograph of the parcel and surrounding area.

3. The applicant is the contract purchaser of a 24.22-acre parcel improved with one single family dwelling, partially wooded with the remainder under agricultural use. The applicant proposes to retain the single family dwelling and wooded area and to construct a 20,000 square foot building to house 2,500 square feet of cannabis cultivation and 2,500 square feet of manufacturing, an additional 3,500 square foot administration building, as well as a 1,000 square foot building to house a generator to provide power to the facility. This application is for the use variances only to be followed by an application for a site plan review and approval. Growing and manufacturing are the only activities that will take place on site. There will be no retail sales and no access by the public. The product generated will be for recreational and not medicinal use. The applicant has conditional approval from the State of New Jersey for a micro license which allows 2,500 square feet of cultivation, plus 2,500 square feet of manufacturing and a total of 20 employees. Vehicular traffic, in addition to employees, would be delivery by box trucks two or three times per month and sprinter vans to transport the manufactured product from the facility. The hours of operation would be from 9:00 a.m. to 5:00 p.m. seven days per week.

4. The facility will be governed by the State Cannabis Regulatory Commission Rules which dictate almost all aspects of the operation, including security and odor mitigation. Regarding odor mitigation, the applicant presented a video prepared by Byers Scientific explaining the method by which they will remove 99.9% of odors, making odors virtually non-detectible outside the building. That video was followed by testimony from Jesse McDonald. Mr. White presented testimony regarding security which will involve strict control of access, as well as movement within the building by employees, as well as exterior security fencing, cameras and coordination with the local police department. There will be 24 hour armed security on site and the single family home on the premises will be occupied by an employee of the facility.

5. The applicant presented the testimony of Professional Planner, James Kyle to address the positive and negative criteria providing an opinion that the proposed use advances one or more purposes of zoning, that the site is particularly suited for the proposed development, that the use will not result in substantial detriment to the neighborhood and will not be substantially detrimental to the zoning plan or zoning ordinance. He testified that the proposed use, although not specifically listed, fits into the definition of agriculture as set forth in the Ordinance. The Board also considered the testimony and review letter of April 19, 2023 prepared by the Zoning Board Engineer and Planner, David S. Scheidegg.

6. Dante B. Parenti, Esquire appeared on behalf of nearby property owner, Brian Kargman. Jeffrey S. Downs, Esquire appeared on behalf of nearby property owners. Both counsel represented residents in opposition to the application, cross-examined witnesses and presented argument opposing the application. 16 members of the public, most of whom reside in the immediate area, presented testimony in opposition to the application. They raised various issues including, but not limited to, noise, pollution, water usage, lighting and security.

7. The Board determined that the applicant failed to carry his burden of proof regarding the positive and negative criteria. The proposed use does not fit the definition of agriculture in that the indoor cultivation and manufacture of cannabis products is significantly different from the traditional agricultural uses contemplated by the definition. The use of light, water, electricity and the need for enhanced security measures are not contemplated by traditional agricultural uses. The proposed use is more similar to a commercial use. This site is not suitable for the use as it is primarily a residential area. The Board therefore finds that the negative criteria has not been met and that the proposed use would represent a substantial detriment to the neighborhood as proposed.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 6th day of June, 2023, confirming action heretofore taken, that the application of HiBlend, LLC for a use variance to construct a facility for the cultivation and manufacture of cannabis, as well as a variance for two uses

on one lot is hereby denied.

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

JOHN GRAVENOR, Chairman

ATTEST:

DESIREE M. HOGBIN, Secretary