

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB24-02**

WHEREAS, Garden State Harvest, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin for a use variance to establish a Class I cannabis cultivation and Class II cannabis manufacturing facility in an existing building; and

WHEREAS, the property in question is located on the corner of Stanton Avenue and Sheridan Avenue and known as Lots 8, 9 and 10, Block 1002.03, on the tax map of Franklin Township, said property being in an RA (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. Kristopher J. Berr, Esquire, appeared on behalf of the applicant. The applicant is seeking a use variance only with a site plan application to follow if the use variance is granted. The applicant is a contract purchaser of a parcel of property consisting of 3 lots with a total of approximately 4.4 acres on the corner of Stanton and Sheridan Avenues. The majority of the lot is vacant and wooded. The lot includes an existing building on the corner facing Stanton Avenue. The building is approximately 100 years old and was formerly used as a public school and has been vacant for decades. The building is in need of interior and exterior repair. The applicant proposes renovating the interior and exterior of the building and developing the site with landscaping, parking, circulation and storm water management. Site improvements will be addressed as part of site plan approval in the event the use variance is granted.

3. The applicant presented Exhibits A-1 through A-8 depicting a rendering of how the developed site will appear. Photographs of the interior and exterior of the building as it exists today and a proposed floor plan and security diagram. The only bulk variance required is a front yard set-back which is preexisting and which will not change as part of this application.

4. The applicant presented the testimony of Erik Axelson, Principal of Garden State Harvest, LLC, Todd Ruff, an employee of Griffin Greenhouse Supply, which supplies equipment and supplies for agricultural operations and which will be providing an odor mitigation system for this project. The applicant also presented the professional testimony of William P. Gilmore, Professional Engineer and Tiffany A. Morrissey,

Professional Planner.

5. The applicant proposes a micro business for the growing and processing of cannabis, all of which will take place in the existing building. There will be 4 crops per year within the 2,500 square feet allowed for a micro business. The flowers will be harvested with the rest of the plant to be utilized to produce oil. There will be no retail sales and no public access to the building. A new septic system will be installed. In addition thereto, water from floor drains and the irrigation system will flow into a separate holding tank which will be pumped. The business will operate from 7:00 a.m. to 6:00 p.m. 6 days per week with a maximum of 10 employees. Traffic will consist of box trucks or vans, 2 or 3 times per week. There will be minimal lighting and no armed security. The applicant will provide security and odor mitigation systems.

6. The applicant's Professional Planner, Tiffany A. Morrissey, provided testimony and her opinion that the applicant satisfied the positive and negative criteria, including the fact that the site is particularly suited for this use, and that as a unique property does not impair the master plan or zoning ordinance. The Board also carefully considered the review letter of April 15, 2024 prepared by Zoning Board Engineer, David S. Scheidegg, PE, PP, CME, CPWM, CFM. Mr. Scheidegg confirmed that the cultivation of cannabis is not recognized as a traditional agricultural product in the State of New Jersey.

7. Eleven township residents presented testimony during the public portion of the application. 1 indicated that she was neither for or against, but had concerns regarding asbestos, lights and odor. The remaining residents were all opposed to the application. In addition, a representative of the Township of Franklin Board of Education represented that the school district was opposed to the application. A day care center directly across the street from the proposed project participates in the elementary school before and after school care program. The director of the nursery school/day care facility directly across the street from the proposed project testified that the facility serves over 100 children, that there are only 2 day care facilities in the Township participating in the before and after school day care program and that in her opinion, if the application were approved the day care would likely close. Other residents expressed similar concerns regarding how essential the day care facility has been for many years and concern that it would not survive if this project were approved. Other Township residents testified to the fact that there are residential developments with many homes in close proximity to the site.

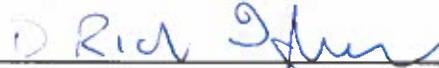
8. The applicant requires a use variance because the proposed use is only permitted in the Industrial Zones of the Township of Franklin. The Board determined that the applicant did not meet their burden regarding the positive and negative criteria. The Board determined that this site is not particularly suited to the proposed use due to its close proximity to a longstanding nursery school/day care facility and its proximity to residential developments. The applicant did not demonstrate that they had explored the possibility of locating the business in any other existing vacant building in the Township in the industrial

or any other zone. The Board determined that the proposal would result in a substantial detriment to the public good as there is a significant opposition from nearby residents, including those who have had a longstanding relationship with the day care facility. The proposal would impair the intent and purpose of the zoning plan and zoning ordinance as the Planning Board recently granted preliminary approval to the reexamination of the Master Plan which recommends that the use continue to be permitted only in the Industrial Districts of the Township and that they be located at least 1,000 feet from schools.

9. A motion was made and seconded to deny the application. The motion passed unanimously 7 yes, 0 no.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 6th day of November, 2024, confirming action heretofore taken, that the application of Garden State Harvest, LLC for a use variance to establish a Class I cannabis cultivation and Class II cannabis manufacturing facility in an existing building is hereby denied.

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT**



RICHARD IGLESIAS, Vice Chairman

ATTEST:



CHRISTINA MULFORD, Secretary