

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB 24-15**

WHEREAS, Visconti Brothers Properties, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin seeking amendment to preliminary and final site plan approval granted by Resolution ZB 19-05 on February 4, 2020; and

WHEREAS, the property in question is located on Lake Road and known as Lot 31, Block 5501, on the tax map of Franklin Township, said property being in an LM Zone (Light Manufacturing); 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. Michael J. Gruccio, Esquire appeared on behalf of the applicant. By Resolution ZB 19-05 adopted on February 4, 2020, the applicant received preliminary and final site plan approval for the expansion of an existing greenhouse operation to include cannabis cultivation and manufactured cannabis products, along with bulk variances and a variance to permit a caretaker's residence on the premises. The applicant received use variance, bulk variance and design waiver approvals for the operation.

3. The previous approval included 4 phases. Phases 1 and 2 were as follows:

Phase 1 – addition of a 38,400 square foot warehouse addition and 20,640 square foot greenhouse addition and all site improvements.

Phase 2 - 174,240 square foot greenhouse addition.

The applicant now seeks the following modification. The applicant now wishes to defer certain site improvements and building construction from Phase 1 and combine it with Phase 2. Therefore, Phase 2 will include the 174,240 square foot greenhouse addition, along with the 20,640 square foot greenhouse originally approved from Phase 1, as well as a 38,400 square foot warehouse originally approved for Phase 1. However, the warehouse is to be converted into a greenhouse. Site improvements will be deferred and completed as part of the combined Phase 1 and Phase 2, with the exception that the applicant will complete revised fence location, landscaping, lighting and handicapped parking.

4. The applicant is also seeking a design waiver to allow parking on a non-paved surface until such time as the paving is completed.

5. The applicant is also seeking to allow the existing 8-foot tall chain link fence to remain in lieu of the originally approved 8-foot tall structural metal spear-top fence with a curved top.

6. The applicant is not proposing any changes to the use of the property nor are they proposing any new tenants. The applicant presented the testimony of Professional Engineer and Professional Planner, Vincent C. Orlando, as well as Michael Visconti. The Board carefully considered the review letter of August 26, 2024 prepared by Zoning Board Engineer and Professional Planner, David S. Scheidegg. No one from the public appeared to comment on the application.

7. The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 3rd day of December, 2024, confirming action heretofore taken, that the application of Visconti Brothers Properties, LLC seeking amendment to preliminary and final site plan approval granted by Resolution ZB 19-05 on February 4, 2020 is hereby granted, subject to the following conditions:

1. The applicant shall obtain all other necessary governmental approvals from State, County, Federal and Municipal governmental agencies or bodies. If the applicant fails to obtain and execute a zoning permit within six months of this approval, then this approval shall be null and void and no permit shall be issued.

2. The applicant shall satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.

3. All use variances, bulk variances and design waivers previously granted shall remain valid.

4. All conditions of approval set forth in Resolution ZB 19-05 not inconsistent herewith shall remain in full force and effect.

5. The applicant will meet with the Township Fire Official and address his concerns regarding circulation and turning radius for emergency vehicles, and the installation of a well for fire fighting purposes.

6. The property is occupied by one tenant. If additional tenants are proposed in the future, the applicant shall return to the Board for modified approvals as may be necessary.

7. The applicant will provide a minimum of 2 handicapped parking spaces and access aisle to meet ADA requirements. The 8-foot high fence and gate shall be as shown on the site plan last revised on June 4, 2024 and not as shown on the survey. The existing chain link fence is to be relocated to match the referenced site plan, subject to recommendations from the Fire Official to allow adequate circulation for emergency vehicles.

8. A design waiver is granted to allow parking on non-paved surfaces until such time as paving is completed. The 8-foot tall chain link fence shall be permitted in lieu of the previously approved 8-foot tall structural metal spear-top fence with curved top. Additional lighting and landscaping shall be provided as shown on the site plan last revised on June 4, 2024.

9. Phases 1 and 2 shall be combined and shall include construction of a 174,240 square foot greenhouse, a 20,640 square foot greenhouse, a 38,400 square foot greenhouse which was previously approved as a warehouse, as well as all site improvements previously proposed for Phase 1.

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JOHN GRAVENOR, Chairman

ATTEST:



CHRISTINA MULFORD, Secretary