



Dykstra Associates, PC

Engineers • Land Surveyors • Planners • Landscape Architects • Environmental Consultants

March 2, 2020

Lafayette Land Use Board
Attn: Stephanie Pizzulo, Administrator
Municipal Building
33 Morris Farm Road
Lafayette, NJ 07848

Subject: Amended Preliminary and Final Site Plan for Harmony Foundation
144 Route 94
Block 7, Lot 25
Lafayette Township, Sussex County, NJ

Dear Board Members:

The applicant, Harmony Foundation of New Jersey, is applying for Amended Preliminary and Final Site Plan with a request for 'C' variance regarding the number of parking spaces and loading areas. This application received approval for Use Variance and Preliminary Site Plan on November 21, 2019. Since that approval, the applicant has updated the building plan to better accommodate mechanical equipment. This resulted in an addition to the proposed building P-1 of approximately 20,000 square feet. Due to the additional area, the number of parking spaces that are technically required by ordinance increased, thus causing an amended site plan and variance to become necessary.

The previous relief granted by the Board remains in effect. This includes the Use, the fence height, and the parking in the front yard. A new EIS is not included in this application because the overall impact of the project remains the same. Therefore, we ask for a waiver from providing a new EIS and defer to the contents of the one that was previously submitted.

A condition of the previous approval required that the stormwater management for the site be designed. This is now addressed as part of this application.

Other changes include:

- Updates to lighting and landscaping
- Add CO2 holding tanks
- Loading dock added to rear of building
- A COGEN power production plant has been added to the northwest of the building
- The majority of the air handling units are now incorporated within the building, and not on outdoor pads.
- Stormwater will be collected and conveyed to the rear of the site. An underground detention system is no longer a part of the design.



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- The land analysis map is now incorporate in the plan set.
- A utility plan is included.
- Drainage pipe profiles and details are added.
- Chain-link fence has been relocated slightly so that it is at least 60 feet from building.
- Grading & Soil Erosion and Sediment Control Plans have been upgraded.

A summary of the status of the "prior approvals" is included in the application packet. It is the goal of the applicant to start work on the site as soon as is possible.

Please call me if you have any questions.

Sincerely,



Owen Dykstra,
Project Engineer



Dykstra Associates, PC

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March 2, 2020

Lafayette Land Use Board
Attn: Stephanie Pizzulo, Administrator
Municipal Building
33 Morris Farm Road
Lafayette, NJ 07848

Subject: "Prior Approvals" Status summary
Amended Preliminary and Final Site Plan for Harmony Foundation
144 Route 94
Block 7, Lot 25
Lafayette Township, Sussex County, NJ

Dear Board Members:

Following is a brief summary of the prior approvals required to be in place before construction can commence. Attached to this letter are the applications and documents.

1. NJDEP Wetlands LOI - received
2. NJDEP Flood Hazard Area LOV - received
3. Sussex County Soil Conservation District – application for Certified Plan for Soil Erosion and Sediment Control Plan - pending
4. Sussex County Planning Board - pending
5. Sussex County Health Department - application for individual septic -pending
6. New Jersey Department of Transportation Letter of No Interest – received
7. Lafayette Land Use Board - Use Variance and Preliminary Site Plan approval- received

Please call me if you have any questions.

Sincerely,



Owen Dykstra,
Project Engineer



For District Use Only

Application Number

APPLICATION FOR SOIL EROSION AND SEDIMENT CONTROL PLAN CERTIFICATION

The enclosed soil erosion and sediment control plan and supporting information are submitted for certification pursuant to the Soil Erosion and Sediment Control Act, Chapter 251, P.L. 1975 as amended (NJSA 4:24-39 et. seq.) An application for certification of a soil erosion and sediment control plan shall include the items listed on the reverse side of this form.

Name of Project Harmony Foundation of New Jersey		Project Location: Municipality Lafayette Township	
Project Street Address 144 Route 94		Block 7	Lot 25
Project Owner(s) Name Carlwood Land Development, LLC		Phone # 201-446-2944 Fax #	
Project Owner(s) Street Address (No P.O. Box Numbers) 20 Ramapo Valley Road		City Mahwah	State NJ Zip 07430
Total Area of Project (Acres) 132 Acres	Total Area of Land to be Disturbed (Acres) 36 Acres	No. Dwelling or other Units 1 Building	Fee \$ \$6,125.00
Plans Prepared by* Dykstra Associates		Phone # 973-579-2177 Fax #	
Street Address 11 Lawrence Road		City Newton	State NJ Zip 07860

*Engineering related items of the Soil Erosion and Sediment Control Plan MUST be prepared by or under the direction of and be sealed by a Professional Engineer or Architect licensed in the State of New Jersey, in accordance with NJAC 13:27-6.1 et. seq.)

Agent Responsible During Construction Harmony Foundation of New Jersey	
Street Address 600 Meadowlands Pkwy, Ste. 15	
City Secaucus State NJ Zip 07094	Phone 973-269-5329 Fax #

The applicant hereby certifies that all soil erosion and sediment control measures are designed in accordance with current Standards for Soil Erosion and Sediment Control in New Jersey and will be installed in accordance with those Standards and the plan as approved by the Soil Conservation District and agrees as follows:

- To notify the District in writing at least 48 hours in advance of any land disturbance activity. Failure to provide such notification may result in additional inspection fees.
- To notify the District upon completion of the Project (Note: No certificate of occupancy can be granted until a report of compliance is issued by the District.
- To maintain a copy of the certified plan on the project site during construction.
- To allow District agents to go upon project lands for inspection.
- That any conveyance of this project or portion thereof prior to its completion will transfer full responsibility for compliance with the certified plan to any subsequent owners.
- To comply with all terms and conditions of this application and certified plan including payment of all fees prescribed by the district fee schedule hereby incorporated by reference.

The applicant hereby acknowledges that structural measures contained in the Soil Erosion and Sediment Control Plan are reviewed for adequacy to reduce offsite soil erosion and sedimentation and not for adequacy of structural design. The applicant shall retain full responsibility for any damages which may result from any construction activity notwithstanding district certification of the subject soil erosion and sediment control plan. It is understood that approval of the plan submitted with this application shall be valid only for the duration of the initial project approval granted by the municipality. All municipal renewals of this project will require submission and approval by the district. In no case shall the approval extend beyond three and one half years at which time resubmission and certification will be required. Soil Erosion and Sediment Control Plan certification is limited to the controls specified in the plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency.

<p>1. Applicant Certification*</p> <p>Signature <u>Skala B. Rodchunda</u> Date <u>2/27/20</u></p> <p>Applicant Name (Print)</p>	<p>3. Plan determined complete:</p> <p>Signature of District Official _____ Date _____</p>
<p>2. Receipt of fee, plan and supporting documents is hereby acknowledged:</p> <p>Signature of District Official _____ Date _____</p>	<p>4. Plan certified, denied or other actions noted above. Special Remarks:</p> <p>Signature of District Official _____ Date _____</p>

*If other than project owner, written authorization of owner must be attached.

SOIL CONSERVATION DISTRICT
ADDENDUM TO APPLICATION

APPLICATION BY CORPORATION, PARTNERSHIP OR ORGANIZATION

OWNERSHIP DISCLOSURE AFFIDAVIT

Soil Conservation District requests that all applicants submit a complete list of ownership for purposes of determining conflicts of interest between the applicant and the board of members or their professionals. Attach Rider if necessary.

Disclosure of owners of organization and property subject to application. Any organization making an application for development under this act shall list the names and addresses of all members, stockholders, or individual partners (collectively, "interest holders"), including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property.

Listing of names and addresses of interest holders of applicant and owner organization.

If an organization owns an interest equivalent to 10% or more of another organization, subject to the disclosure requirements hereinabove described, that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the organization.

Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application of development under this act shall list the names and addresses of all officers and trustees of the non-profit organization.

This disclosure requirement is continuing during the Certification period and transfer of ownership of more than 10% must be disclosed.

Organization or non-profit organization failing to disclose: fine. Any organization or non-profit organization failing to disclose in accordance with this act shall be subject to a fine of \$1,000 to \$10,000, which shall be recoverable in the name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.)

Name and Address of Applicant:

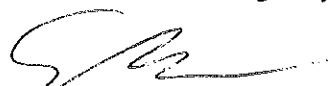
HARMONY FOUNDATION OF New Jersey

(If Corporation, Name and Address of Registered Agent and Officers, Trustees):

Stockholders / Members / Partners:

I certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Shyla Brodermandel, CEO
Print Name of Authorized Signatory & Title


Authorized Signature

Date

COUNTY/MUNICIPALITY SUSSEX/LAFAYETTE
APPLICATION FOR LICENSE TO OPERATE AN
INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

Page __ of __

FORM 1 -GENERAL APPLICATION

1. Municipality LAFAYETTE BLOCK NO 7 LOT NO 25

2. Name of Applicant (Print) HARMONY FOUNDATION OF NEW JERSEY

3. Applicant's Address: 600 MEADOWLANDS PKWY, STE. 15
SECAUCUS, NEW JERSEY 07094

4. Applicant's Phone Number: (973) 269-5329

5. Certificate of Compliance: Date of Issuance _____
If No Certificate was Issued, Indicate Approximate Age of System _____

6. Type of Facility: _____ Residential - Indicate Number of Occupants _____
 Commercial/ Institutional _____
Specify Type of Establishments LEGAL MARIJUANA PRODUCTION FACILITY

7. Type of Wastes Discharged: Sanitary Sewage only _____ Industrial Wastes _____
_____ Other- Specify Type _____

8. Volume of Wastes: Ave. Flow, gal/day 1000 Max. Daily Flow, gal 2000
Based on Water Meter Data

Assumed Based on Data Related to Water Usage - Show Data Below:
- Number of Users (Patrons, Guests, Visitors, etc. per Day) 30
- Number of Employees 120 Total Employee Hours per Day _____
- Number of Fixtures _____ Specify Type _____
- Size of Building, ft² _____
- Other - Specify _____

9. Indicate System Components, Provide What Information is Available:

_____ Grease Trap: Capacity, gals _____
 Septic Tank: Capacity, gals 2000 / 1000 No. of Compartments _____
 Dosing Tank: Capacity, gals 1000.00 Dosing Device: Pump _____ Siphon _____
 Disposal Bed, Area, ft² 3240.00 _____
_____ Disposal Trenches: Width, ft _____ Number _____ Total Length, ft _____
_____ Seepage Pits: Number _____ Diameter, ft _____ Depth, ft _____
_____ Interceptor Drain _____
_____ Other-Specify _____

10. I hereby certify that the information furnished on Form 1 of this application (and attachments thereto) is true and accurate. I am aware that falsification of data is a violation of Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and is subject to penalties as prescribed in N.J.A.C. 7:14-8

Signature of Septic System Inspector _____ Date _____

FOR AGENCY USE ONLY

_____ Application Denied - State Reason for Denial _____

_____ Application Approved - License Number _____

Date of Action _____ Signature of Authorized Agent _____

Name and Title _____

COUNTY/MUNICIPALITY SUSSEX/LAFAYETTE
APPLICATION FOR LICENSE TO OPERATE AN
INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

Page ___ of ___

FORM 1A -GENERAL INFORMATION

1. Type of Permit Needed (Check applicable categories) :

New construction
 Alteration/Expansion or Change in Use
 Deviation from Standards
 Alteration/No Expansion or Change of Use
 Alteration/Malfunctioning System
 Repairs to Existing System

2. Location of Project:

Municipality LAFAYETTE Block No 7 Lot No 25

3. Name of Applicant (Print) : HARMONY FOUNDATION OF NEW JERSEY

4. Applicant's Present Address: 600 MEADOWLANDS PKWY, STE. 15
SECAUCUS, NEW JERSEY 07094

5. Applicant's Phone Number: (973) 269-5329

6. Type of Facility:

Residential
 Commercial/ Institutional
Specify Type of Establishment: LEGAL MARIJUANA PRODUCTION FACILITY

7. Type of Wastes to be Discharged :

Sanitary Sewage
 Industrial Wastes
 Other - Specify Type

8. Other Approvals/ Certifications/Waivers/Exemptions (Attach to Application):

Pinelands Commission
 U.S. Army corps of Engineers
 NJDEP - Bureau of Flood Plain Management
 Other- Specify: _____

9. I hereby certify that the information furnished on Form 1 of this application is true. I am aware that false swearing is a crime in this State and subject to prosecution.

Signature of Applicant _____ Date _____

FOR AGENCY USE ONLY

_____ Application Denied _____ Reason for Denial/Citation of Rules Violated:

_____ Application Approved
_____ Application Approved Subject to Approval by NJDEP

Date of Action _____ Signature of Authorized Agent _____
Name and Title _____

COUNTY/MUNICIPALITY SUSSEX/LAFAYETTE
APPLICATION FOR LICENSE TO OPERATE AN
INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

Page ___ of ___

Form 2a - General Site Evaluation Data

Block 7

Lot 25

1. Name of Site Evaluator (Print): Dykstra Associates, Inc.

2. Business Address of Site Evaluator: 11 LAWRENCE ROAD
NEWTON, NJ 07860

3. Business Phone Number of Site Evaluator: 973-579-2177

4. Special Site Limitations Identified (Check appropriate categories) :

_____ Flood Plains _____ Bedrock Outcrops _____ Wetlands _____ Excessively Stony
_____ Disturbed Ground _____ Sink Holes _____ Sand Dunes _____ Steep Slopes
_____ Other - Specify _____

5. Soil Logs - Enter on Form 2b- Use one sheet for each soil log

6. Considerations Relating to Disturbed Ground:

a) Type of Disturbance (Check appropriate categories):

_____ Filled Area _____ Excavated Area _____ Re-graded Area
_____ Subsurface Drains _____ Other - Specify _____

b) Pre-Existing Natural Ground Surface

Elevation Relative to Existing Ground Surface

Method of Identification _____

c) Suitability of Disturbed Ground

_____ Unsuitable Objects Subject to Disintegration or Change in Volume

_____ Excessively Coarse

_____ Proctor Test Performed - % Standard Proctor Density = _____

7. Hydraulic Head Test:

a) Hydraulically Restrictive Horizon: Depth Top to Bottom _____

b) Piezometer A: Depth to Bottom _____ Depth of Water Level (24 hrs) _____

b) Piezometer B: Depth to Bottom _____ Depth of Water Level (24 hrs) _____

d) Witnessed by _____ Signature _____ Date _____

8. Attachments (Check items included):

_____ X _____ Site Plan
_____ Key Map showing location of Site U.S.G.S. quadrangle or other Accurate Map
_____ X _____ Key Map showing location of site U.S.D.A. Soil Survey Map
_____ Other - Specify _____

9. I hereby certify that the information furnished on Form 2a of this application (and the attachments thereto) is true and accurate. I am aware that falsification of data is a violation of the Water Pollution Control Act (N. J. S.A. 10A-1 et seq.) and is subject to penalties as prescribed in N.J.A.C. 7:14-8.

Signature of Evaluator _____ Date _____

Signature of Professional Engineer _____

License No 11665 DOUWE DYKSTRA, PE



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

DEC 09 2019

Harmony Dispensary
c/o Yehuda Meer
600 Meadowlands Parkway, Suite 15
Secaucus, NJ 07094

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 1913-05-0001.3, FWW190001
Applicant: Harmony Dispensary
Block(s): 7; Lot(s): 25
Lafayette Township, Sussex County
Sub-watershed: Paulins Kill (above Route 15)
Watershed: Paulins Kill (above Stillwater Village)

Dear Mr. Meer:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the NJDEP is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by Division staff on October 24, 2019, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: "WETLAND LOCATION SURVEY TAX LOT 25 BLOCK 7 LAFAYETTE TOWNSHIP SUSSEX COUNTY, NEW JERSEY", sheets 1 & 2 of 3, dated April 17, 2019 last revised November 12, 2019, and prepared by Douglas O. Dykstra of Dykstra Associates, PC, is accurate as shown.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP"

Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Exceptional: B1 to B5; B17 to B168; B185 to B192. [150 foot wetland buffer] The wetlands are classified as Exceptional resource value because they are associated with threatened and/or endangered species habitat.

Intermediate: All remaining onsite wetlands. [50 foot wetland buffer]

State Open Water: Within wetlands boundary and as shown on plan(s). [No wetland buffer]

RVC may affect requirements for wetland and/or transition area permitting. The Department has determined that the following wetland areas have been considered by the Department to be isolated wetlands and not part of a surface water tributary system: D-1 through D-6 and E-1 through E-6. In addition, there are wetlands on the subject site which potentially meet the definition of a "vernal habitat" as found at N.J.A.C. 7:7A-1.4. These classifications may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-9 and 10), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-5 and 7) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-8). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Division. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.3 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.4. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Division can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out

in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Within 90 calendar days of the date of this letter, the applicant shall submit the following information to the clerk of each county in which the site is located, and shall send proof to the Division that this information is recorded on the deed of each lot referenced in the letter of interpretation:

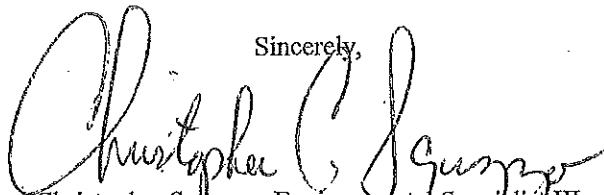
1. The Department file number for the letter of interpretation;
2. The approval and expiration date of the letter of interpretation;
3. A metes and bounds description of the wetland boundary approved under the letter of interpretation;
4. The width and location of any transition area approved under the letter of interpretation; and
5. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a freshwater wetland and/or transition area. Certain activities in wetlands and transition areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a freshwater wetland permit. Contact the Division of Land Use Regulation at (609) 777-0454 or <http://www.nj.gov/dep/landuse> for more information prior to any construction onsite."

Failure to have this information recorded in the deed of each lot and/or to submit proof of recording to the Division constitutes a violation of the Freshwater Wetlands Protection Act rules and may result in suspension or termination of the letter of interpretation and/or subject the applicant to enforcement action pursuant to N.J.A.C. 7:7A-22.

In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information on this process.

Please contact Stephen Dench of our staff by e-mail at stephen.dench@dep.nj.gov or by phone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Christopher C. Squazzo, Environmental Specialist III
Division of Land Use Regulation

c: Lafayette Township, Municipal Clerk w/ plan
Lafayette Township, Construction Official
Agent - Douglas Dykstra w/plan



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

November 27, 2019

Elizabeth Dolan
Dolan & Dean Consulting Engineers, LLC
181 West High Street
Somerville, NJ 08876

RECEIVED

DEC 09 2019

**DOLAN & DEAN
CONSULTING ENGINEERS, LLC**

**Re: NJDOT Letter of No Interest
Marijuana Growing Facility
Route 94 SB MP 27
Block 7 Lot 25
Lafayette Township, Sussex County**

Dear Ms. Dolan,

We have reviewed your August 13, 2019 letter and the Site plan title: Site Development Plan for Harmony Dispensary designed by Dykstra Associates, PC, Dated August 9, 2019 and supporting materials requesting a Letter of No Interest for the above referenced site. Based upon the information submitted, the proposed 822,934 SF Warehousing will not create a significant increase in traffic as defined in the New Jersey State Highway Access Management Code. Accordingly, a new access permit will not be required.

The proposed site (822,934 sf. Warehousing) is generating 120 trips in the AM Peak Hour, 145 trips in the PM Peak Hour, and 41 trips in the Weekend Peak Hour. Please note, if the Marijuana Growing Facility only changes and serves customers, this letter of no interest will no longer be valid.

If in the future, there is an additional expansion or new use on the site causing the Department to make a new determination on whether there is a significant increase in traffic during the peak hour trip generation, this will require that a new access permit be applied for by the current owner(s) or future owner(s) of the property.

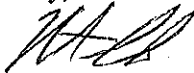
Also, please be advised that any physical changes to any of the Route 94 driveway(s) will cause a new permit to be required despite that the proposed 822,934 SF Warehousing does not constitute a significant increase in traffic.

The above conclusions were based upon the information provided and any change to these plans, or the proposed size and type of development may change the conclusions reached by the Department.

The State Highway Access Management Act and the State Highway Access Management Code describe activities, which require an access permit. N.J.S.A. 27:7-92(a) and N.J.A.C. 16:47-8.1(a). They also describe changes or expansions in use, which would require a new permit. N.J.S.A. 27:7-92(d) and 27:7-95(a); N.J.A.C. 16:47-4.3(a) and 16:47-2.1, "significant increase in traffic." Finally, they describe a category of permits that are "grandfathered." "Grandfathered" permits apply to all driveways and streets, which were in existence prior to September 21, 1992. N.J.S.A. 27:7-92(c) and N.J.A.C. 16:47-8.3. These citations may be helpful in understanding the conclusions that we reached.

I trust that this adequately responds to your request. If you have any questions concerning the above matters, please contact me at (609) 963-1247 or Kenneth.Spiegle@dot.nj.gov

Sincerely,



*Kenneth Spiegle
Project Engineer
Office of Major Access Permits
New Jersey Department of Transportation*

RESOLUTION
TOWNSHIP OF LAFAYETTE
LAND USE BOARD
In the Matter of Harmony Foundation of New Jersey
Application #MSP 19-3/VAR19-4
Decided on November 21, 2019
Memorialized on December 19, 2019

WHEREAS, Harmony Foundation of New Jersey has made application to the Lafayette Township Land Use Board for preliminary site plan and "C" and "D" variance approval for property known as Block 7, Lot 25, as shown on the Tax Map of the Township of Lafayette, located on 144 Route 94, Lafayette, in the L-I (Light Industrial) Zone; and,

WHEREAS, pursuant to N.J.S.A. 40:55D-25, the Township of Lafayette has by ordinance established the Lafayette Township Land Use Board which has dual powers of planning and zoning; and,

WHEREAS, public hearings were conducted on October 24 and November 21, 2019, after the Board determined it had jurisdiction; and,

WHEREAS, Board Member Hughes and O'Leary disqualified themselves from this application and took no part in the hearing; and,

WHEREAS, the applicant was represented by Ann Marie Rizzuto, Esq. and Emily Weiner, Esq. of Weiner Law Group, LLP;

NOW, THEREFORE, the Lafayette Township Land Use Board makes the following findings of fact, based on evidence presented at the public hearings, at which a record was made.

The applicant sought approval for redevelopment and reuse of the Schering Plough site on Route 94 for a legal cannabis propagation growing and processing facility. Preliminary site plan approval was sought, along with D/use variance for the proposed marijuana growing and processing and C/bulk variances for proposed building height of 38.4 ft., where 35 ft. is permitted, parking along Rt. 94 and in the front yard, 322 parking spaces, where 1,029 are required, 4 loading areas where 13 are required, and a fence height of 9.5 ft., where a height of 6 ft. is permitted in the rear and side yards and a 4 ft. high fence is permitted in the front yard.

Owen Dykstra testified as the professional engineer in support of the application. He explained that the applicant proposes to demolish all but two structures on this existing 132

acre site, and utilize the existing stormwater. Approximately 350 full time employees are proposed upon completion of both phases of development. The applicant proposes a large building with a first floor of 272,084 sq. ft. to be constructed, along with a parking area for Phase 1. An existing 34,000 sq. ft. building, a 22,000 sq. ft. building and total area of 382,000 sq. ft. will be renovated and utilized by the applicant. There is an existing one-family residence existing on the lot and it will remain as-is. The applicant was clear that no retail sales of marijuana will be made or permitted at the property. The traffic impact is similar to what was at Schering Plough. The existing utilities can accommodate the new proposed use. Phase 1 involves the construction of only one new building, whereas Phase 2 proposes the construction of two additional buildings to the rear of the first building. Mr. Dykstra explained that the height is necessary because of the scale of the building, the pitch of the roof and air flow required around the product. Further, a mezzanine was proposed in order to decrease the footprint.

There is an existing driveway on Rt. 94 that will be utilized and is the only access to the property. A guard shack will allow limited access to the site. Employees will be staggered at 15 minute timeframes because they need to go through security at the guard shack and at the building entry prior to entering the property. The entrance to the property was widened in response to Board and public concerns to provide an employee entrance lane and a separate lane to address concerns regarding vehicle stacking. The operations on site may be 24 hours in three shifts, but start times are staggered in order to allow for the security and cleansing of employees prior to their shifts. Thirteen (13) cars can now stack between the guard shack and the highway.

A berm is proposed parallel to the highway and additional landscaping was proposed, as well as reconfiguration of the parking lot to allow for less visibility at the site. The applicant moved the parking and created a buffer and revised grading in order to provide less impact with the proposed development. The driveway was pulled closer around the building and the existing trees will remain as they are. Additional trees have also been provided to increase the buffer. The fencing will be between the buildings and will not be well seen off the highway. Renderings submitted show that the building is not very visible from Rt. 94 and is not visible from other adjacent properties. The applicant agreed to leave topsoil on site and will likely stockpile until Phase 2, and possibly will construct a berm.

The Board had questions regarding the gate, landscaping and the buffer, as well as the height of the fence and traffic.

Shaya Brodchandel, the CEO of Harmony Foundation of New Jersey, testified regarding business operations. The company is currently non-profit, as it was originally required to obtain a license in New Jersey. The applicant currently has an operation in Secaucus, but is growing and is looking to expand in Lafayette. Harmony is one of six (6) licensed operators in New Jersey. The marijuana is grown hydroponically, without any soil being utilized and has a three (3) month grow cycle. The industry is very high-tech and is already working in the Secaucus site. Water estimates are based upon current use and science. The applicant agreed that it shall pay for real property taxes as other buildings and operations in the Township, as assessed by the Tax Assessor. Lafayette will be the only growing operation for the applicant.

Security will be provided 24 hours a day, 7 days a week for all 365 days of the year. The New Jersey Department of Health has access to video cameras that are located anywhere there is marijuana product. Armed guards are former police officers that provide security for the site. The marijuana industry is very State-regulated and paperwork is detailed. The proposed fencing was as determined by the applicant's security consultant and is a non-electric fence. The applicant wants minimal lighting and only for security purposes. Mr. Brodchandel explained the staggering of employees, because they all need to change clothes and air shower prior to beginning their shifts.

The Board had questions regarding odor, exit control, security and destruction of product, the building sign size, cameras and water usage.

Jessica Caldwell testified as a professional planner in support of the application. Ms. Caldwell pointed out that marijuana use was permitted elsewhere within the Township, but the proposed use is also similar to warehouse permitted in L-I, and this could be considered a permitted agricultural use. Ms. Caldwell testified that MLUL purposes A, G, I & M are advanced, and the Board Planner agreed that this is an underutilized site, well-suited for the scale of the proposed building.

The meeting was then opened to the public, at which time Sean Ritson appeared with concerns regarding water use and generator noise. Mr. Ritson is an adjoining neighbor with a family next door and was concerned about armed guards, odor and noise from the warehouse building. Ken Harrington had concerns about impervious surface and the traffic. Carl

Luthman expressed his opinion that there was no hardship for the front yard buffer being destroyed and had questions about the height and the demolition, and pointed out the existing trees were a good barrier for the parking lot. Mr. Luthman also spoke regarding the sign, the building setback and the slopes, as well as the water tank and the obtrusiveness of the building. Will Jiroux had questions about traffic and building esthetics, the fence and road set back distance; he indicated that with minor site plan changes, it could be a nice operation. Scott Maat, President and active volunteer with the Fire Department, spoke in favor of the application, and stated that the tank onsite was not for fire use and indicated that the Fire Department would like access to the roof, though it was a low fire risk.

Reports from the Board Engineer, Nevitt Duveneck, PE, CME, dated October 16, 2019, and the Board Planner, David Banisch, PP/AICP, dated October 16, 2019, were considered by the Board in its deliberations.

The Board Engineer recommended and the Board granted waivers to Schedule D Checklist Items 35 and 36, temporary waivers for Schedule D Checklist Items 12, 49, 51, and 87, and temporary waivers for Schedule F Checklist Item 12.

NOW, THEREFORE, the Township of Lafayette hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The Municipal Land Use Law states that preliminary major site plan approval shall be granted based upon the submission of a "site plan and other such information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met." After careful review of the requirements under the site plan ordinance, the engineering plans, testimony and all other submissions, the Board finds that the detailed drawings, specifications and other evidence conform to the standards established by ordinance for preliminary site plan approval to be granted.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist

which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the (c)(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, a purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria. The Board is satisfied that minimal variances related to building height and fence height, as well as parking and loading variances, can be appropriately granted in this case. The existing buildings, topography and conditions of this specific piece of property support the variance relief. The general welfare is benefitted by the productive use of this underutilized piece of property to benefit the community.

Under the Municipal Land Use Law, a Municipal Land Use Board, when considering a "d" variance, cannot grant relief unless sufficient special reasons are shown and there is no substantial impairment of the intent and purpose of the zone scheme and Zoning Ordinance. In addition, the burden of proof is upon the applicant to establish the above criteria. It is the Board's responsibility, acting in a quasi-judicial manner, to weigh all the evidence presented before it by both the applicant and all objectors, and reach a decision which is based upon findings of fact and conclusions of law and is not arbitrary, unreasonable or capricious.

The New Jersey Courts have been willing to accept a showing of extreme hardship as sufficient to constitute a special reason. Our courts have indicated that there is no precise formula as to what constitutes special reasons unless the use is determined to be inherently

beneficial, and that each case must be heard on its own circumstances. Yet, for the most part, hardship is usually an insufficient criterion upon which the Board can grant a variance.

In addition, special reasons have been found where a variance would serve any other purposes of zoning set forth in N.J.S.A. 40:55D-2. Here, the applicant's planner pointed to MLUL purposes A, G, I & M in support of relief. A variance should only be granted if the Board on the basis of the evidence presented before it, feels that the public interest, as distinguished from the purely private interest of the applicant, would be best served by permitting the proposed use. In these instances, the Board must also find that the granting of the variance will not create an undue burden on the owners of the surrounding properties. The Board also notes the special reasons requirement may be satisfied if the applicant can show that the proposed use is peculiarly suited to the particular piece of property. With regard to the question of public good, the Board's focus is on the variance's effect on the surrounding properties and whether such effect will be substantial. Furthermore, in most "d" variance cases, applicant must satisfy an enhanced quality of proof and support it by clear and specific findings by this Board that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. The burden of proof is upon the applicant to establish the above criteria.

The proposed use is very similar to permitted uses in the L-I Zone, and there are special reasons to support the granting of the variance in this case. It is agreed MLUL purposes are advanced by this application. The re-utilization and improvement of existing conditions of this specific property support the relief requested. The building is barely visible and the use is similar to previous operations on the property. The Board is satisfied that the benefits outweigh the proposed detriments and there is no substantial detriment to the public good, zone plan or zoning ordinances.

A motion was made by Board Member Madewell, seconded by Board Member Van Sickle, to grant preliminary site plan approval, with c/bulk and d/use variance relief.

NOW, THEREFORE, BE IT RESOLVED by the Lafayette Township Land Use Board, that the application of Harmony Foundation of New Jersey, for Block 7, Lot 25, as shown on the Tax Map of the Township of Lafayette, requesting preliminary site plan approval and "C" and "D" variance relief for redevelopment and reuse of the Schering Plough site on Route 94

for a legal cannabis propagation growing and processing facility, is granted, pursuant to N.J.S.A. 40:55D- 40:70(c) and 70(d), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.

2. The Board recommends to the Governing Body execution of a Developer's Agreement by the applicant and the Governing Body, containing the conditions of approval (including a sequence of construction) which shall be recorded as a lien and notice upon this property of the developer's obligations concerning this approval.

3. This approval is granted strictly in accordance with the plat prepared by Dykstra & Associates, dated August 22, 2019, as may be amended by this approval.

4. A construction permit may be issued based on preliminary site plan approval; however, no certificate of occupancy shall be issued, nor occupancy of the structure permitted, until final site plan approval shall have been granted, based on a final "as built" plan with all required improvements having been installed or bonded and conditions of this resolution satisfied.

5. Applicant shall pay real estate taxes for the assessed value of the land and improvements, regardless of its non-profit status.

6. There shall be no retail sales or dispensary of marijuana on the property.

7. All building use shall be as permitted under existing law.

8. A dual-lane entrance shall be provided for traffic to the site.

9. A light inspection shall be conducted by the Board Engineer, with a maximum of 3500 degrees Kelvin. Lighting shall conform with Lafayette Township Code subsection 12-7.2a (g) and (h).

10. A chain link fence with black vinyl, along Rt. 94 and the driveway, shall be installed per the Board Engineer.

11. Demolition of all buildings on site shall be completed within twenty-four (24) months of a CO being granted.

12. The Applicant shall work with the Fire Department regarding tank suppression and access to the roof of the new building.

13. A berm on the roadway along Rt. 94 shall be repaired and seeded and a supplemental landscape plan shall be prepared to the satisfaction of the Board Planner.

14. No topsoil shall be removed from site.
15. NJDEP, County, DOT, DEP, and State Health Department regulations shall be complied with and required approvals obtained.
16. The State shall approve all operations of the facility.
17. The Applicant shall comply with all conditions of the Board Engineer's October 16, 2019 Engineering Report, particularly the technical comments.
18. All signs on site shall comply with the Lafayette sign ordinance requirements.
19. The Applicant will permanently maintain the buffer and landscaping along Rt. 94 and replace trees as necessary with 10 to 12 ft. evergreens, per the Board Planner.
20. The Engineer, Planner and Applicant will meet onsite regarding the buffer, topsoil, berm and landscaping on the property, prior to granting of the CO.
21. The Applicant will comply with the October 17, 2019 Fire Official letter, including installation of a Knox Box, Fire Department approval, fire hydrant and access to water.
22. Applicant shall post performance guarantees or maintenance guarantees in accordance with the Municipal Land Use Law.
23. Applicant shall, pursuant to COAH requirements under the Statewide Non-Residential Development Fee Act, as may be amended, pay a development fee for non-residential new construction in the amount of two and one-half (2.5%) percent of the equalized assessed value of the land and new improvements.
24. This variance expires commensurate with the expiration of protection from changes in zoning attendant to the approvals or preliminary major site plan, three (3) years from now until December 19, 2022, unless a building permit has been obtained or as otherwise permitted by law.
25. The applicant is bound to comply with the representations made to the Board by the applicant and applicant's professionals.
26. All approved lighting is subject to a night light test conducted by the Board Engineer.
27. Applicant must apply for and obtain necessary driveway permits for the proposed construction.

28. The Board Engineer shall perform a compliance review prior to signing of the plans and deeds for the application.

29. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of any request by the Board's Secretary or Treasurer.

30. Certificate that taxes are paid to date of approval.

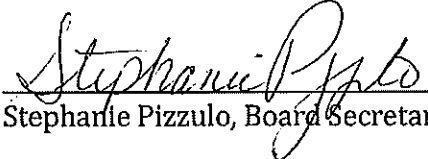
31. Sussex County Planning Board and/or Soil Conservation District review and/or approval, if required. Any substantial deviations from the plans shall require return to this board for review.

32. Prior to the issuance of any construction permit, the applicant shall file with the Board and Construction Official an affidavit verifying that the applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

33. Any condition without a specific time limit shall be complied with within six months of the date of this resolution's memorialization.

34. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Lafayette, County of Sussex, State of New Jersey, or any other jurisdiction.

The undersigned secretary certifies the within resolution was adopted by this Board on November 21, 2019, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on December 19, 2019.


Stephanie Pizzulo, Board Secretary

FOR: 7

AGAINST: 0

ABSTAIN: 0

Board Members Eligible to Vote: Taylor; Suljic; Deller; Van Sickle; Potter; Madewell; Anderson.