



Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

## LAND USE BOARD APPLICATION

### FOR OFFICIAL USE

ck#1052

ck#1051

Date Rec'd: 10/21/2022 Application #: LUB2022-08 Fee: \$250 Escrow: \$750

### 1. APPLICANT

Name: The Honorable Plant LLC  
Address: 308 Harding Road  
City: Fair Haven State: NJ Zip: 07704  
Phone: 732-687-5660  
Email: Thehonorableplant@gmail.com, bdunph  
Relation to property: tenant

### 2. OWNER

Name: Bay Avenue Ventures  
Address: 494 Sycamore Ave Suite 100  
City: Shrewsbury State: NJ Zip: 07702  
Phone: 732-758-1577 x 234  
Email: manderson@nppg.com

### 3. TYPE OF APPLICATION (Check all that apply)

- ☐ Minor Subdivision
- ☐ Major Subdivision – Preliminary
- ☐ Major Subdivision – Final
- ☐ Minor Site Plan
- ☐ Major Site Plan – Preliminary
- ☐ Major Site Plan – Final
- ☐ Variance
- ☐ Use Variance

- ☐ Appeal – Zoning Denial date \_\_\_\_\_
- ☐ Appeal – Land Use Decision date \_\_\_\_\_
- ☐ Informal Concept Plan Review
- ☐ Extension of Approval
- ☐ Revision/Resubmission of Prior Application
- ☒ Other Proposed use is for a  
Cannabis Retail license - Class 5

### 4. PROPERTY INFORMATION

Block 46 Lot(s) 3 Address: 123 Bay Avenue, Highlands, NJ 07732  
Lot size 0.413 # of Existing Lots 1 # of Proposed Lots 1  
Zone CBD Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copies  
Has the property been subdivided? ☒ No ☐ Yes If yes, when? \_\_\_\_\_  
Attach copies of approved map or approved resolution  
Property taxes paid through Current Sewer paid through Current

### 5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp **must** be represented by a NJ attorney)

Name: Edward McKenna McKenna, Dupont, Stone & Washburne  
Address: P.O. Box 229, 229 Broad St. Red Bank, NJ 07701  
Phone: 732-741-6681 Email: yurkow@redbanklaw.com



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## 6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: Bob Burlew - Westgate Construction 54  
Address: 546 Jersey Ave  
Union Beach, NJ 07735  
Phone: 732-850-6103  
Email: bobburlew@aol.com

Name: Elizabeth (Beth) Stavola  
Address: 8 Sailors Way  
Red Bank, NJ 07701  
Phone: 732-539-9547  
Email: bethstavola@gmail.com

## 7. LAND USE

**A. PROPERTY HISTORY** –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

The Current owner purchased the property on March 28, 2018. The property contains 2 residential units above the retail space. The residential units are currently occupied and the commercial space has remained vacant since at least March of 2018. The most recent use of the property was a 5,000 plus sq. ft. restaurant and bar with exposed coal fired pizza oven, which is believed to have begun retail operations in the summer of 2012.

**B. PROPOSED PLAN** –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

Tenant Improvement of existing retail space for use as a Class 5 Retail Cannabis Dispensary  
1., 2., & 3. N/A 4. THP will contract with a vendor specializing in secure waste removal  
5. Existing hardscape to be replaced 6. Hours of Operation: Mon-Sat 10-7pm, Sun 10-5pm  
7. Cannabis and related products 8. the parking lot will have a 24'-0" drive aisle with direct access from Bay Ave. See Attached Plans.

## C. ADDITIONAL INFORMATION:

### Existing

### Proposed

**Residential:** How many dwelling units?

How many bedrooms in each unit?

How many on-site parking spaces?

**Commercial:** How many commercial uses on site?

How many on-site parking spaces?

0

30

1

30



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**8. VARIANCE REQUESTS** Complete section(s) related to the relief being requested.

| N/A                                | Req'd | Exist. | Prop'd |
|------------------------------------|-------|--------|--------|
| <b>Minimum Lot Requirements</b>    |       |        |        |
| Lot Area                           |       |        |        |
| Frontage                           |       |        |        |
| Lot Depth                          |       |        |        |
| <b>Minimum Yard Requirements</b>   |       |        |        |
| Front Yard Setback                 |       |        |        |
| 2 <sup>nd</sup> Front Yard Setback |       |        |        |
| Rear Yard Setback                  |       |        |        |
| Side Yard Setback, right           |       |        |        |
| Side Yard Setback, left            |       |        |        |
| Building Height                    |       |        |        |

| N/A                         | Req'd | Exist. | Prop'd |
|-----------------------------|-------|--------|--------|
| <b>Accessory Structures</b> |       |        |        |
| Fence/Wall Height           |       |        |        |
| Garage/Shed Height          |       |        |        |
| Garage/Shed Area            |       |        |        |
| Pool Setback                |       |        |        |
| <b>Parking Requirements</b> |       |        |        |
| On-site Parking Spaces      |       |        |        |
| <b>Other</b> (please add)   |       |        |        |
|                             |       |        |        |
|                             |       |        |        |
|                             |       |        |        |

**9. OTHER RELIEF REQUESTED** Please specify relief(s) and explain below.

**NONE - N/A.**

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## 10. NOTARIZED SIGNATURE OF APPLICANT

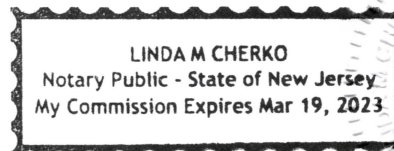
I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this  
21 day of October 20 22 (year)  
Linda M Cherk (notary)  
(Seal)

Dr. Bernadette Dunphy 10/21/22  
Signature Date

**Dr. Bernadette Dunphy**

Print Full Name



## 11. NOTARIZED CONSENT OF OWNER

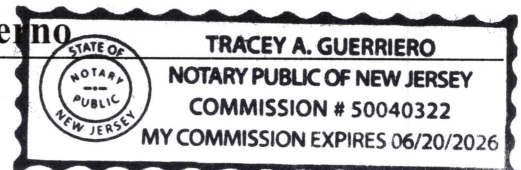
I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this  
21 day of October 20 22 (year)  
Tracey A. Guerriero (notary)  
(Seal)

Tracey A. Guerriero 10/21/22  
Signature Date

**Michael Salerno**

Print Full Name



## 12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

|  |                                      |                                     |
|--|--------------------------------------|-------------------------------------|
| Is this application to subdivide a parcel of land into six (6) or more lots?   | Yes                                  | <input checked="" type="radio"/> No |
| Is this application to construct a multiple dwelling of 25 or more units?      | Yes                                  | <input checked="" type="radio"/> No |
| Is this an application for approval of a site(s) for non-residential purposes? | <input checked="" type="radio"/> Yes | No                                  |
| Is this Applicant a corporation?   | Yes                                  | <input checked="" type="radio"/> No |
| Is the Applicant a limited liability corporation?                              | <input checked="" type="radio"/> Yes | No                                  |
| Is the Applicant a partnership?  | Yes                                  | <input checked="" type="radio"/> No |

If you circled **YES** to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).





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## 12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

**The Honorable Plant, LLC**

Listed below are the names and addresses of all owners of 10% or more of the stock/interest\* in the above referenced business organization:

| NAME                         | ADDRESS                                       |
|------------------------------|---|
| <b>Dr. Bernadette Dunphy</b> | <b>308 Harding Road, Fair Haven, NJ 07704</b> |
| <b>Jacquelyn Bruckmann</b>   | <b>8 Sailors Way, Red Bank, NJ 07701</b>      |
|                              |   |
|                              |   |
|                              |   |
|                              |   |
|                              |   |
|                              |   |
|                              |   |

\*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this

21 day of October 2022 (year)

Linda M Cherkos (notary)

(Seal)

Dr. Bernadette Dunphy

Signature (Officer/Partner)

10/21/22

Date

**Dr. Bernadette Dunphy - Manager**

Print Full Name

Title

LINDA M CHERKO  
Notary Public - State of New Jersey  
My Commission Expires Mar 19, 2023



## Notice to be Published in Official Newspaper

### Notice of Hearing

#### Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 10th day of November, a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22 Snug Harbor, Highlands New Jersey on the application of the undersigned that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is located at  
123 Bay Avenue, Highlands, NJ 07732

also known as Block 46, Lot(s) 3, on the Highlands Tax Map.

The property is located in the CBD zone.

The applicant is seeking:

Proposed use is for a Cannabis Retail License - Class 5

For the purpose of (list reasons for Zoning denial)

Land Use Board Approval is Required.

A copy of the application and documents are on file with the Board Secretary, and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

**The Honorable Plant, LLC**

[Name of Applicant, and/or applicant's attorney]

[This notice must be published at least 10 days prior to the hearing  
in the Asbury Park Press or the Two River Times.]



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Fax: (732) 872-0670  
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## Proof of Service

### Affidavit of Proof of Service

State of New Jersey )

SS.

County of Monmouth )

I, \_\_\_\_\_, of full age, being duly sworn, upon oath  
depose and say:

On \_\_\_\_\_ I ( ) personally served or ( ) mailed by certified mail a  
notice, a true copy of which is attached hereto, upon the attached list of property owners

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Sworn and subscribed  
before me this \_\_\_\_\_  
day of \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

Notary Seal

**Introduction:** The Honorable Plant LLC (“THP”) will be one of New Jersey’s first operational personal use cannabis retailer once awarded a Class 5 Retail license. THP has already received a conditional approval from the State of New Jersey and now seeks zoning approval from the Borough of the Highlands. In addition to complying with all State requirements outlined in NJAC 17:30, THP’s plans are fully compliant with local Borough Code Section 4-18 “Cannabis Retailer License”.

THP has already secured a suitable facility location, received community support, built an experienced team, and ascertained a local construction firm with experience in retail construction. After receiving zoning approval, THP will submit its conditional conversion application within 30 days to expedite it’s time to market and contribute to the success of New Jersey’s future personal use cannabis program. THP will be a leader in the New Jersey personal use market and serve as an excellent example of a successful women-owned small business.

## DESCRIPTION AND STRUCTURE

THP is a New Jersey limited liability company and is recognized by the NJ Department of Treasury as a WBE. The company is owned by New Jersey businesswomen Jacquelyn Bruckmann and Dr. Bernadette Dunphy. THP is the ideal partner for the Borough of the Highlands as safety and equity are at the core of its business practices. First, THP is committed to inclusion, 100% of leadership roles are currently filled by women. Second, THP is committed to safety and compliance – our experienced management team has a perfect cannabis industry compliance record and we have contracted a qualified third-party security agency to provide security guards as well as off-site surveillance and storage.

THP has leased property located at 123 Bay Avenue in Highlands, New Jersey that is located in the Central Business District and is compliant with all zoning provisions conformant to the premise limits detailed in NJAC 17:30-12.1. Bay Avenue is well-traveled and easily accessible to consumers. THP selected this location specifically for the low crime rates in the area, frequent traffic, high visibility at night, and its significant off-street parking. Once granted approval to operate a cannabis business license by the Borough, THP will be will able to submit the requisite local support and municipal preference documents required by the state’s application for the conditional conversion.

After receiving a provisional award, THP will spend 3-6 months completing its facility, recruiting and training staff, and obtaining necessary permits to become operational.

Additionally, environmentally friendly policies are a core part of THP’s business model. THP will engage in sustainable retail practices that include strategies to reduce energy and waste usage during both our initial buildout and operations, selecting and sourcing products and supplies from responsible vendors, an upcycling and recycling program, and other green retail practices. To further honor this commitment, THP has included a sustainability statement in its core values and this statement is part of our Employee Handbook, will be posted in the dispensary, and prominently published our website. THP is a member of the Green Business Bureau. THP has begun the initial assessment process and is on-track to receive its GBB certification upon final licensure.

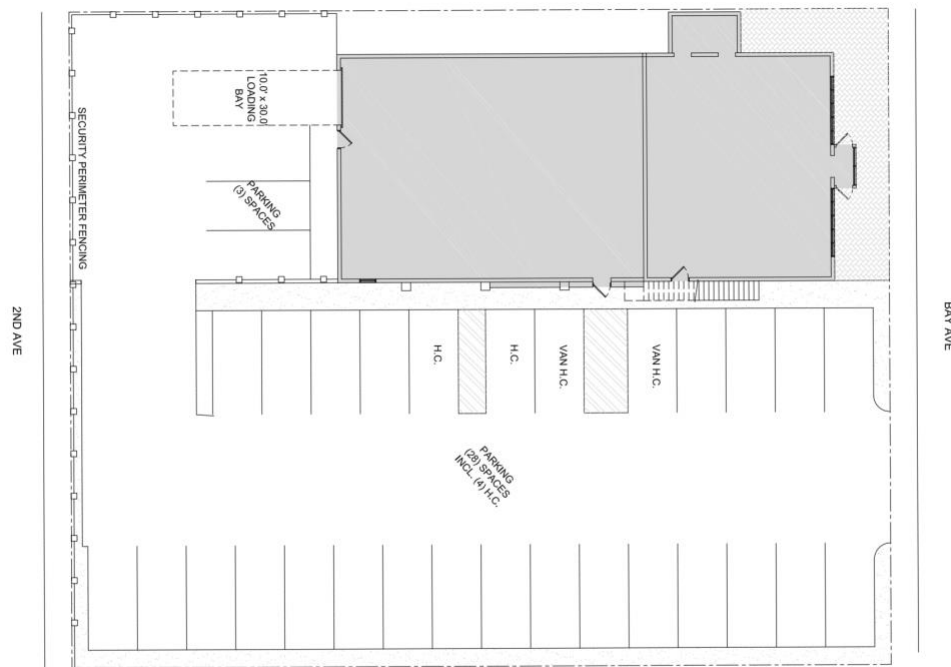
## SITE PLAN

THP has engaged experienced dispensary architecture firm Rathúnas, LLC to design its Highlands facility. Rathúnas has more than 7 years of experience designing both medical and personal use dispensaries throughout the United States and are experts on compliant, safe, and consumer friendly layouts. (See attached site plans).

### **Key Features**

**Waiting Area:** THP has designed the space with a larger than 600SF waiting area, with the intent to accommodate consumer traffic on its busiest days and sufficient to house all patrons. Additionally, there will be a Pre-Order Pickup window accessible in the waiting area for consumers who are looking to save time. THP's team has effectively used Pickup Windows at facilities in other states to reduce consumer traffic flow and crowding as pickup customers typically spend less than 5 minutes at the facility. We anticipate hours of operation to be 10am-7pm.

**Parking:** The site at 123 Bay Avenue has ample parking to meet the borough's ordinance, as well as provides a designated loading space for delivery vans. Four of the spaces are designated for handicapped parking. (Parking Lot rendering below).



The site at 123 Bay Avenue has approximately 3,900SF of gross leasable area. The building has a total of 28 onsite parking spaces, in addition to approximately 10 parking spaces directly in front or behind the property. THP has factored in ample parking options to effectively prevent vehicular congestion and ensure THP customers do not infringe on the parking of other local businesses.

THP will also rely on its experience and historical sales strategies to pace customers throughout the day to avoid congestion at any given time. These strategies include: special promotions during slow times to encourage patients to shop during nonpeak hours, allowing patients to schedule pickup times, and increased staffing during busy hours/days to ensure efficient customer turnover. Additionally, THP has future plans to install a bike rack so customers may safely lock their bike or scooter while shopping.

*Vault:* THP will store its cannabis in a limited access area, or vault, that is only accessible to employees (NJAC 17:30-12.7). THP's vault will be constructed of poured concrete approximately 12"-18" thick or of a similar building material that effectively prevents unauthorized entry and will be customized for our purposes by a reputable manufacturer, such as Vault Structures Incorporated who specifically design vaults for cannabis operators. The room will be UL rated with DEA-approved locks and alarm wiring to integrate into our security systems. Within the vault will be a series of commercial-grade TL30 safes meeting DEA requirements for the storage of Schedule I and II drugs and locking refrigerators and freezers.

### ***Access Controlled Areas***

To limit access within the dispensary facility, THP will designate areas as either "Public," "Limited Access," or "Restricted Access" based on the number and type of individuals permitted to access each area. Public areas will be open to all visitors with a valid reason for being there, such as family members waiting for registered customers to complete their business. Limited Access Areas ("LAAs") will have access restricted to employees and registered customers or caregivers. Restricted Access Areas ("RAAs") will be the most heavily controlled portions of the facility, with access limited to designated employees with an employment reason for requiring access.

*Public Areas:* The only areas of the facility that the public will be permitted to access are the parking lot, the waiting area, and the bathrooms. All other areas will be off limits to the public and will not be visible from visitor areas. Even in public areas, facility personnel will prohibit loitering and will require that all individuals in the area have a legitimate purpose for being there, such as waiting for a registered customer to complete their visit or picking up/dropping off an employee.

*Limited Access Areas:* THP will designate certain areas of the facility as Limited Access Areas ("LAAs"). LAAs will be areas that require access by facility staff and visitors, such as administrative offices and the dispensing area. THP will limit access to all administrative offices to the employees who occupy the offices as a matter of daily business, with other employees invited in as needed throughout the regular course of business. THP will limit access to the dispensing area to dispensary employees and registered customers and caregivers who have properly checked in and are registered with THP's dispensary. All LAAs will remain securely locked using UL-listed commercial-grade, non-residential door locks or electronic keycard access.



locks. Doors will feature multi-point locking systems that include bolts and mechanics that secure each door at up to five points around the door frame. All areas of ingress and egress to each limited access area in the facility will be clearly identified by the posting of a sign which must be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which will state: “Do Not Enter - Limited Access Area - Access Limited to Authorized Personnel and Escorted Visitors.” (NJAC 17:30-9.10).

*Restricted Access Areas:* The vault and all areas used for surveillance equipment or records, will be classified as Restricted Access Areas (“RAA”). RAAs will feature electronic keycard locks with individualized access privileges for each employee. All entrances to RAAs will be clearly identified with a sign stating: “Do Not Enter – Restricted Access Area – Access Limited to Authorized Personnel Only.” In general, only Managers and security personnel will have access to RAAs. Management will brief all employees on their respective security and access privileges, as well as the penalties for unauthorized entrance into RAAs. Management will investigate any unauthorized access or access attempts and take corrective action when necessary.

### ***Secure Storage For Unsaleable Products***

THP will have separate locked limited access areas for storage of cannabis that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the cannabis is returned to a grower/processor, destroyed or otherwise disposed of as required under NJAC 17:30-9.10. First, THP’s vault is only accessible to managers and requires a manager to both scan his or her badge then enter their unique key code on the access keypad, thus this is a limited access area. Second, there will be a large digital safe inside the vault for storing unsaleable products. Managers will store expired, damaged, deteriorated, mislabeled, contaminated, recalled, or breached products in this separate safe to ensure (1) that unsaleable products are not mixed with saleable products and (2) these products are secure until they can be properly returned to the grower/processor. Manager will maintain a log of all products kept in safe – noting the product name, identification number, quantity, date, and planned date of return. Manager will review secure safe inventory weekly to ensure products are being promptly returned to grower/processors.

In accordance with NJAC 17:30-9.10, THP will have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry, and to prevent and detect an adverse loss. The security and surveillance systems will include a professionally monitored security alarm system that includes the following: Coverage of all storage rooms, including those that contain cannabis, and safes and the entrance/exits of these rooms.

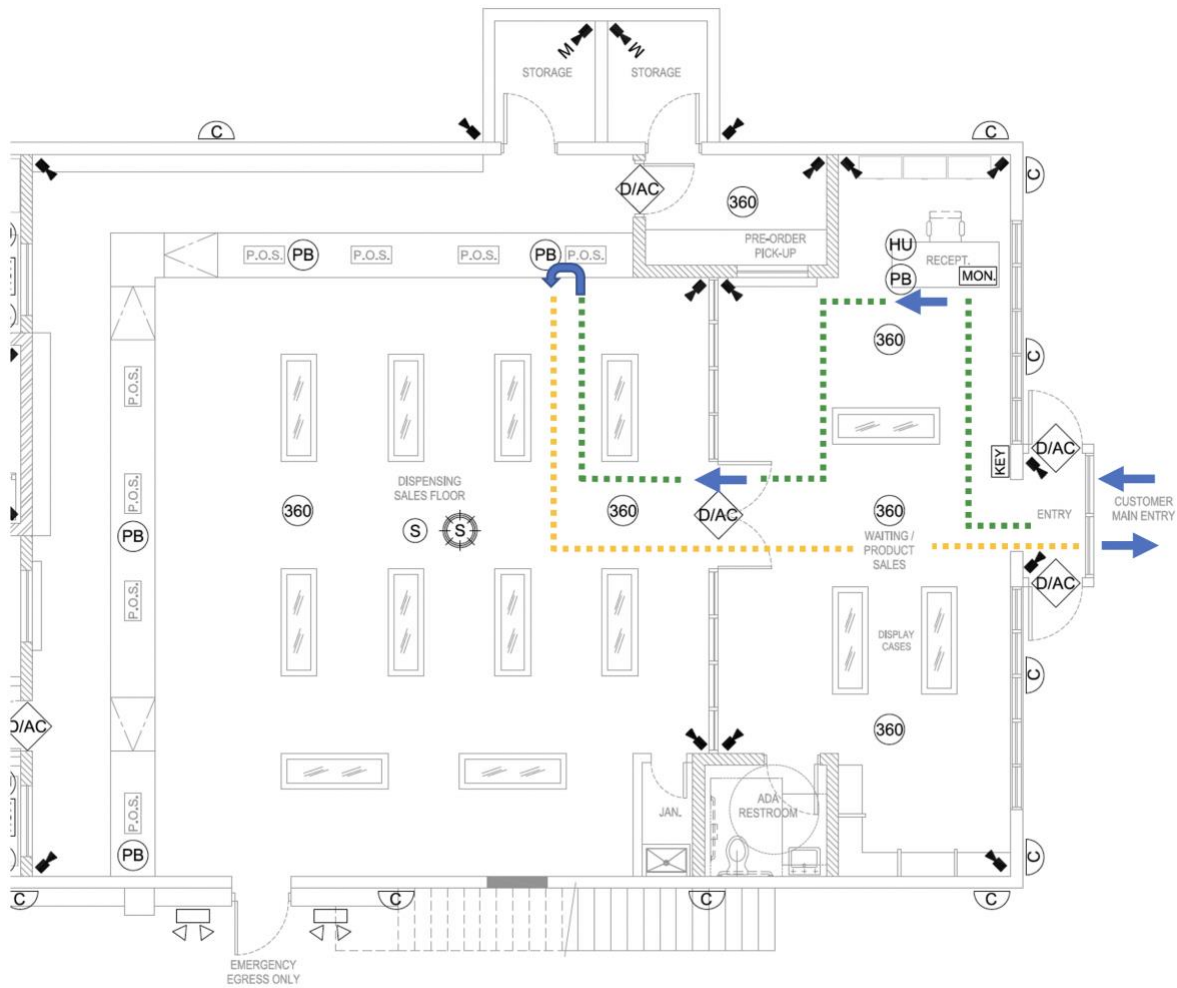
|            |
|------------|
| OPERATIONS |
|------------|

***Opening the Dispensary to Customers***

Upon opening the dispensary for customers, a security guard will be in the front enclosed area with the receptionist. The manager or assistant manager will let the receptionist know that they are operational for customers. The window grates will be rolled up and the customers will be allowed in. The receptionist will monitor customers who enter the waiting room. Customers must wait in the waiting area for an available consultant to assist them with their purchase. Both the receptionist and security guards will ensure this policy is enforced.

The receptionist will let a dispensary consultant know that a customer is waiting. The consultant will check the monitor inside the door, before opening the door to the dispensary and call for the customer. On the way in, the consultant will hold the door open for the visitor and wait behind them until it shuts secure. The consultant is responsible for their customer the entire time they are in the dispensing service area and will never leave the customer alone. The ratio will always be one customer group per consultant. Should the consultant need assistance, he or she is to radio for a manager/supervisor to assist, never leaving the customer unattended.

Once a customer has completed their visit, the customer consultant will escort the customer back to the waiting area, ensuring to check the monitor prior to opening the door. The customer will then exit the dispensary the same way they entered.

**Consumer Sales Flow Model****Dispensary Closing Procedure**

Upon all customers, employees, and/or visitors departing, a security officer will conduct a security check of the building ensuring only authorized personnel are present. Upon completion and at the direction of the security officer, the manager will begin directing the process for securing the cannabis and currency. The manager will do a final accounting of all the cannabis and monies to ensure all match with State required systems. The manager will ensure that the safe is closed and secure, that the alarm is on in the vault and that the door to the vault is closed and secure.

Prior to leaving, all staff will turn in any assigned equipment, including but not limited to key fobs, two-way radios and panic alarms. The items will be kept overnight in the vault. Only the manager and assistant manager may carry their fobs and panic buttons with them, as they need both during opening and closing, as well as when they respond to an emergency at the dispensary.

Staff will all exit except for a security officer or manager. A security officer will do one more security check of the building ensuring all employees exited. Upon completion of the sweep, the security officer will instruct the manager or assistant manager to set the alarm. The manager or assistant manager will then exit the facility with the security officer, who will ensure that all the security gates are locked and secured. The security officer will ensure the manager or assistant manager enters their vehicle safely and exits the property prior to leaving.

## WASTE DISPOSAL

THP is committed to following waste management procedures that are environmentally friendly and prevent diversion. THP will have a limited access area within the dispensary where cannabis waste is processed, stored, or destroyed (NJAC 17:30-9.12). THP's electronic tracking system, as prescribed by the Cannabis Regulatory Commission ("CRC"), will allow the dispensary to log, verify, and monitor the disposal of cannabis waste in compliance with NJAC 17:30-9.14. This section outlines THP's inventory controls and its secure storage for unsaleable products prior to disposal, procedures for disposing of wasted cannabis products, and our policy regarding recalled products.

### ***Inventory Controls For Unsaleable Products***

THP has established and implemented an inventory control system for this dispensary's unsaleable cannabis product in compliance with NJAC 17:30-9.13, that documents the:

- Description for the cannabis being disposed;
- Date of disposal;
- Name and registry identification number for dispensary agent responsible for disposal.
- The Dispensary may either ship any cannabis that is surplus or out of date or that is waste from processing or repackaging to a licensed cultivator/manufacturer for disposal or dispose of green waste in accordance with the dispensary's approved waste disposal plan.

All information regarding the destruction or transfer of unsaleable products will be logged in our electronic tracking system to ensure inventory is correct and products are being properly tracked.

### ***Secure Storage For Unsaleable Products***

THP will have separate locked limited access areas for storage of cannabis that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the cannabis is returned to a cultivator/manufacturer, destroyed or otherwise disposed of as required under NJAC 17:30-9.13-14. First, THP's dispensary vault is only accessible to managers and requires a manager to both scan his or her badge then enter their unique key code on the access keypad, thus this is a limited access area. Second, there will be a large digital safe inside the vault for storing unsaleable products. Managers will store expired, damaged, deteriorated, mislabeled, contaminated, recalled, or breached products in this separate safe to ensure (1) that unsaleable products are not mixed with saleable products and (2) these products are secure until they can be properly returned to the cultivator/manufacturer. Manager will maintain a log of all products kept in safe – noting the product name, identification number,

quantity, date, and planned date of return. Manager will review secure safe inventory weekly to ensure products are being promptly returned to cultivator/manufacturers.

In accordance with NJAC 17:30-9.10, THP will have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry, and to prevent and detect an adverse loss. The security and surveillance systems will include a professionally monitored security alarm system that includes the following: Coverage of all storage rooms, including those that contain cannabis, and safes and the entrance/exits of these rooms.

### ***Procedures For Waste Disposal***

THP has tailored its current Waste Disposal plans to ensure compliance with NJAC 17:30-9.14. Before conducting any waste disposal, THP will submit its Green Waste Plan to the CRC for approval. Further, we will actively update its SOPs on Waste Disposal to conform to any additional requirements or regulations promulgated by the CRC or the State of New Jersey. THP anticipates it will have to dispose of cannabis due to customer returns, expiration or damage.

1. Staff are trained on identifying items that must be disposed of:
  - a. Any cannabis that was previously purchased at THP that is returned for any reason is unsellable and shall be deemed waste.
  - b. Any cannabis that is expired.
  - c. Any cannabis that has not be properly stored.
  - d. Any cannabis that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached
  - e. Product recalled by a cultivator or manufacturer will be transferred back to its origin and cultivator/manufacturer will be responsible for disposal. Transfer will be properly logged in the CRC's prescribed electronic tracking system, transported by a transportation agent, accompanied by a transportation manifest and follow all relevant CRC procedures.
2. Identified waste must be immediately logged in THP Waste Disposal Log and placed in "waste container" by two employees in full view of camera.
  - a. Waste Disposal Log will be kept **in the vault** with separate, sealed "waste container". Waste container in vault is observable by 360 degree camera view.
  - b. Log entry will include the following information:
    - Date
    - Product Name
    - Product Type
    - Product THC Weight
    - ID # from State's electronic tracking system (last 6 digits)
    - LOT # (last 6 digits)
    - Employee Initial
    - *Date Disposed Of:* (To be completed by Manager)
3. Once a month a Manager will review the Waste Disposal Log and dispose of waste. THP disposal will take place on the first business day of the month. All waste procedures shall be done in full view of security cameras.
  - a. To dispose of waste, Manager verify all logged waste from the past month is in the Waste Container.

- b. Manager will place each month's waste in container with kitty litter and water until sufficiently mixed and cannabis is unusable.
  - c. Mixed waste will be double-bagged in black trash bag.
  - d. Trash bag will be disposed of in dumpster.
4. Manager will log disposal of waste with the CRC through their prescribed electronic tracking system.

*SAMPLE: Waste Disposal Log Entry*

| <div>  <b>The Honorable Plant Waste Disposal Log</b> </div> |                     |              |        |                      |        |               |                        |         |
|--|---------------------|--------------|--------|----------------------|--------|---------------|------------------------|---------|
| MONTH: September 2022  |                     |              |        |                      |        |               |                        |         |
| Date & Time  | Product Name        | Product Type | Weight | Control Number       | LOT    | Employees (2) | Disposed (Date & Time) | Manager |
| 9/8/22<br>11:00am  | 10mg RSO Capsules   | Cartridge    | 0.5g   | 10002938349832472349 | 283998 | AL/JB         | 10/1/22<br>5:00pm      | AL      |
| 9/22/22<br>4:30pm  | THC Tincture (50ml) | Tincture     | 50mL   | 10002938349832479444 | 009009 | AL/JB         | 10/1/22<br>5:00pm      | AL      |

***Recalled Products***

In accordance with NJAC 17:30-9.17, THP will notify the CRC and the cultivator/manufacture immediately upon becoming aware of any complaint made to the dispensary by a patient, caregiver or practitioner who reports an adverse event from using cannabis dispensed by the dispensary. If product is recalled, upon notification by the cultivator/manufacture under NJAC 17:30-9.14, THP will cease dispensing the affected cannabis and will coordinate the return of the recalled cannabis with the cultivator/manufacture (NJAC 17:30-9.17). THP, with permission from the CRC, will contact all its patients who have purchased the recalled cannabis product by pulling up patient sales data in its electronic records. THP patients will be allowed to return the recalled product to THP, and THP will take the appropriate steps to transfer the recalled product back to the origin cultivator/manufacture.

***Non-Cannabis Trash and Recycling***

Non-cannabis trash and recycling will be properly disposed of pursuant to local ordinance.

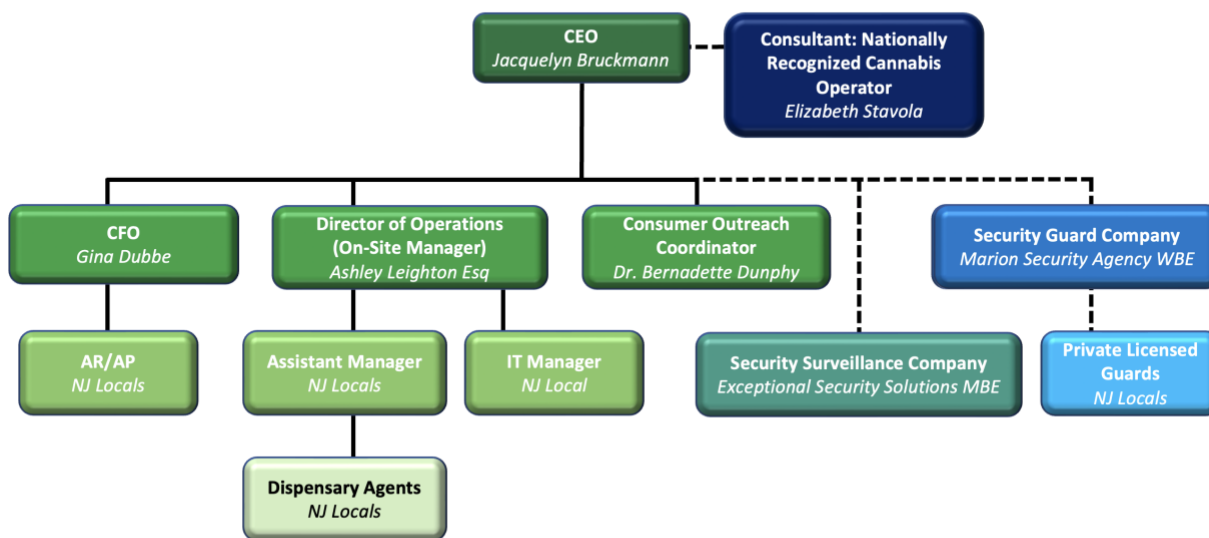


## MANAGEMENT PROFILES, STAFFING PLAN, & WORKFORCE DEVELOPMENT

THP's team brings extensive experience to Highlands, NJ and is ready to open its newest adult use dispensary in both a timely and compliant manner. In addition to experience in both medical and personal use cannabis markets, the THP leadership team has extensive experience working within other highly regulated industries including finance, securities, law, and healthcare. Many members of our team hold professional licenses, these licenses are **all in good standing**. THP has already filled its major leadership positions, and its executive team is ready to recruit and hire local NJ residents to fill supporting roles.



Organizational Chart



Employees

Contractors

## Management Profiles



**CEO, Jacquelyn Bruckmann:** Owner, Jacquelyn Bruckmann earned a Bachelor of Business Administration in Legal Studies with Minor in Public Relations from the University of Miami. Ms. Bruckmann is an active member of Women of the U, a University of Miami Alumni Association group that fosters networking and community among businesswomen and promotes women's initiatives. Ms. Bruckmann has over eight years' experience in business development, corporate and retail sales, public relations, and customer service. Ms. Bruckmann was first exposed to the industry as a Business Development Intern for CBD for Life, a hemp-based beauty and wellness company. As an intern, Ms.

Bruckmann researched and compiled information about competitive new launches, advertising, and formulas, and then presented market analysis findings at team meetings. She contributed to the design of business strategies to accomplish brand goals and drive sales at both retail partners and online vendors while navigating the unique restrictions placed on cannabis businesses regarding advertising and health claims. She has a deep understanding of both the cannabis wholesale and retail business through her participation in forecasting (Demand Planning led) & budget (Finance led) meetings. In her current Business Development role at Impact.com, an online marketing company, Ms. Bruckmann assists clients in raising their brand profile and diversifying their revenue streams through online marketing strategies that include influencer marketing, affiliate marketing, mobile applications, optimizing consumer touchpoints, and the use of data-driven performance analytics. Propelled by her entrepreneurial spirit, Ms. Bruckmann is ready to leave the corporate world to build and operate a state-of-art consumer-focused cannabis dispensary in Highlands, NJ. The oldest of six children, Ms. Bruckmann is a born leader and is ready to seize the opportunity to build her own cannabis business where she grew up. She has compiled a team of industry experts to support her business as her team brings years cannabis retail experience from mature programs in other states. Ms. Bruckmann will lean on the guidance and mentorship from her mother, Elizabeth Stavola, as she moves forward with this endeavor.

**Mentor, Elizabeth Stavola:** Elizabeth (Beth) Stavola is a leading female entrepreneur in the cannabis industry, being ranked #1 on the 2019 Cannabis Business Executive (CBE) Power Women in Cannabis list. She is the founder of many cannabis businesses and exciting brands including Melting Point Extracts (MPX), Health For Life Inc, GreenMart of Nevada, GreenMart of Maryland, Cannatech of MA, CBD For Life, and MPX New Jersey. She was one of the founding members of the New Jersey Cannabis Industry Association.

Beth was chosen as one of the Top 100 Female Founders by Inc Magazine in 2019, for being a pioneer in this highly male-dominated industry. She has been committed to building female and minority leadership within the industry, as reflected in the leadership teams she has



built in all of her companies. In addition to Inc Magazine and CBE, she has also received accolades and awards from Green Entrepreneur (Top 100 Cannabis Companies List), The Wall Street Journal, and Inc Magazine's Female Founders (Building the most exciting businesses in America). Ms. Stavola has also been featured heavily in mainstream media including Forbes, The New York Times, USA Today, The Washington Post, and Bloomberg, along with a multitude of trade journals. She has been one of the most requested speakers for cannabis trade show panels, podcasts, and other industry events.

Beth was founder and Chief Operating Officer of MPX Bioceutical Corporation, which went public in January 2017. Ms. Stavola entered the cannabis industry in AZ as an investor and then as an operator in 2012. By 2013, she was on her way to expanding the company footprint to other states that had legalized medicinal use including Nevada, Maryland, and Massachusetts. Arizona is where Beth first launched Melting Point Extracts (MPX), an extremely well respected and sought-after brand that quickly grew in popularity in Nevada and Maryland, winning many awards across the country. The brand specializes in hydrocarbon, CO2, and solventless extractions to offer a wide and diverse selection of high-quality cannabis concentrates and high terpene extracts.

Ms. Stavola is also the founder of a top cannabidiol CBD beauty and wellness brand, CBD for Life. She launched the company in 2015 to produce and sell highly innovative, natural, luxurious, and effective CBD-infused pain management and beauty products. These revolutionary formulas combine CBD with nourishing essential oils and other active ingredients to aid in reducing pain, inflammation, and stress while promoting anti-aging, rejuvenation, and vibrancy. The company quickly grew to wide-scale distribution, and the products are currently distributed online to 46 states throughout the US and can also be found in large retailers like Hudson News stores, Dillard's and Urban Outfitters. CBD for Life won The Hollywood Beauty Awards Best New Brand in March 2018 (alongside Britney Spears who won Fragrance of the Year). These products have been written about in Marie Claire, Cosmopolitan, Wholefoods Magazine, and numerous other media outlets.

Beth studied Finance and Economics at Monmouth University in New Jersey and prior to cannabis spent her last 10 years on Wall Street with Jefferies & Co as an institutional equity salesperson. She was born and raised in New Jersey and continues to reside in her home state with her husband and six children.



**On-Site Manager, Ashley Leighton Esq:** Ashley Leighton will serve as On-Site Manager for the facility and will oversee operations, training, staffing, and compliance. Ms. Leighton has a decade's worth of management and legal experience servicing both high-profile and underprivileged clients in highly regulated fields. She graduated from Rutgers Law School with a J.D. in 2011, where she was the Business Editor of the Women's Right's Law Review and a Dean's scholar. She served at the law clerk to Hon. Frank Buczynski, P.J.Ch. of The Superior Court of New Jersey and as an intern to Hon. Madeline Cox Arleo U.S.M.J. of United States District Court for the District of New Jersey. Ms. Leighton is a member of the Bar Association; she has never

had an infraction or grievance in her career.

Ms. Leighton began her legal career at a boutique firm in Newark, NJ specializing in securities litigation and white-collar crime defense work. She represented clients in high-profile securities

fraud cases, multi-billion dollar tort disputes arising out of the collapse of the 7 World Trade Center building, and high-value arbitration proceedings. She spent the past few years serving as a pro-bono attorney with Catholic Charities, counseling undocumented clients on the ever-changing immigration laws through her work on the Unaccompanied Children Pro Bono Project and further assists adult clients on U-9 Visa Applications.

In 2018, Ms. Leighton assisted in the opening of one of Maryland's first medical cannabis dispensaries, Greenhouse Wellness. At Greenhouse Wellness of Maryland, she worked as the General Manager and in-house counsel. From 2019-2021, Ms. Leighton served as the Chief Compliance Officer for various cannabis startups across the US. In both these roles, she advised on a broad range of compliance and operations issues in connection with increasing productivity, minimizing exposure to liability, develop and updating operating procedures, and navigating the nuances of state and federal cannabis laws. She has been active in lobbying efforts to protect customers' rights, a Member of Americans for Safe Access, and has been featured as a guest speaker at George Washington University discussing state cannabis programs and their ever-changing code of regulations. She is an adjunct faculty member of Howard County Community College. At HCC, Ms. Leighton developed the curriculum for their cannabis education program and currently teaches dispensary agent training courses.

Ms. Leighton currently operates a highly successful consulting company that specializes in business development for the cannabis industry. Her clients range from small local operators to some of the largest cannabis corporations in the world. She has experience managing projects with \$25M+ budgets for vertically integrated ventures across multiple states. Ms. Leighton has assisted new cannabis businesses in New Jersey, Maryland, West Virginia, Ohio, Pennsylvania, and Texas. Ms. Leighton is the ideal choice for the On-Site Manager role as she has extensive experience opening cannabis dispensaries and seeing them through their first 2 years of business.

**Finance Manager, Gina Dubbe:** Gina Dubbe is a venture capitalist and serial entrepreneur. She has over 30 years of cross-functional expertise; her specialties include sales, capital fund-raising, and business development in tandem with solid engineering, general management, and a focus on health and wellness. In 2014, she was named by Forbes Magazine as one of the Women Who Built Outstanding Companies.



Ms. Dubbe currently serves as the CEO of Growing Ventures LL, a dispensary operator in Maryland. Under her guidance, her dispensary has **passed all its inspections** (including more than ten surprise visits from the Maryland Medical Cannabis Commission) and has **never had an infraction**. In January 2020, she appeared on the TODAY Show with Maria Shriver and Ms. Dubbe is a featured speaker at the 2020 National Cannabis Conference speaking on "How to Launch a Medical or Adult-Use Dispensary". During the 2019 year she was featured on the cover of the Howard County Women's Business Journal.

Prior to entering the cannabis industry, Ms. Dubbe operated in the medical device industry. In 2008, she launched TheraPearl, a highly innovative company that produces natural and effective reusable ice packs. TheraPearl was recognized on the Inc. 500 list of the "Fastest Growing Private Companies" in the US for two consecutive years. TheraPearl sold over 5 million packs by 2014,



when the company was sold to Performance Health. Ms. Dubbe holds numerous patents regarding the TheraPearl technology.

From 2002-2006, Ms. Dubbe served as Managing Partner of Walker Ventures, an early stage venture fund where she oversaw \$150M in assets. She was responsible for the qualification and selection of investment portfolio companies in a variety of technology areas. She joined the Board of Directors of portfolio companies to provide management insight on strategic corporate and technology direction, as well as assistance in fund-raising strategies. Ms. Dubbe has also worked for Oracle, rising to the position of Federal Director which managed all the Federal civilian accounts. She was responsible for a \$50M sales quota and managed a team of sales and technical specialists.



**Consumer Outreach Coordinator, Bernadette Dunphy, DPT, PT:**

Owner, Dr. Bernadette Dunphy is the Consumer Outreach Coordinator for The Honorable Plant. Dr. Dunphy is licensed as a Physical Therapist and owns her own practice, Dunphy's Physical Therapy, in Red Bank, New Jersey. Before relocating to Red Bank, she owned and operated Dunphy's Training Center, an 8,000 square foot fitness and physical therapy facility in Eatontown, New Jersey from 1990-2008.

Dr. Dunphy earned her BS from Montana State University, majoring in Health and Sports Medicine. She then received a Graduate degree in Physical Therapy from University of Medicine and Dentistry, 1986.

Dr. Dunphy continued her education and received a Doctorate in Physical Therapy from what was then the University of Medicine and Dentistry of New Jersey in 2007.

Dr. Dunphy started teaching at Monmouth University in 2008 as an adjunct professor and then as a full-time faculty member as a Specialist Professor in Biology teaching Anatomy and Physiology. In addition to her teaching responsibilities Dr. Dunphy is Director of Pre-Health Advising at Monmouth.

Dr. Dunphy has a strong passion and deep understanding of cannabis and its various healing benefits that started after her search to find a holistic and effective treatment plan for her husband diagnosed with Parkinson's disease. She incorporates her knowledge of the endocannabinoid system and safe use of herbal cannabis products into her traditional physical therapy practices. She is educated in multiple areas above her traditional training including cannabis therapeutics, advocacy, ethics, and the law that make her a wonderful consumer educator and advocate in the cannabis space. Dr. Dunphy helps customers to achieve a maximum state of homeostasis and is a leader in supporting customers toward holistic health and wellness.

In her role as Consumer Outreach Coordinator Dr. Dunphy is responsible for working with new consumers and the surrounding community to understand their state program and treatment options, help design optimal treatment plans for new customers, monitor existing customers conditions and make recommendations as needed, help consumers determine best administration techniques for their condition and demonstrate the use of specialty equipment.

|            |
|------------|
| CONCLUSION |
|------------|

THP seeks zoning approval of the Borough of the Highlands to operate a Cannabis Retailer License. THP has already been granted a conditional approval from the State of New Jersey, and upon approval from the Highlands, THP will timely submit its Conditional Conversion Application, within 30 days, as the company is committed to expedient market entry to best serve New Jersey consumers. THP has the business experience, financing, and industry relationships to serve the Highlands community in a safe and effective manner.







OUTDOOR LIVING SPACE SPACE:  
SECTION 21-91.4.b

100 SF PER UNIT, PLUS 50 SF PER BEDROOM

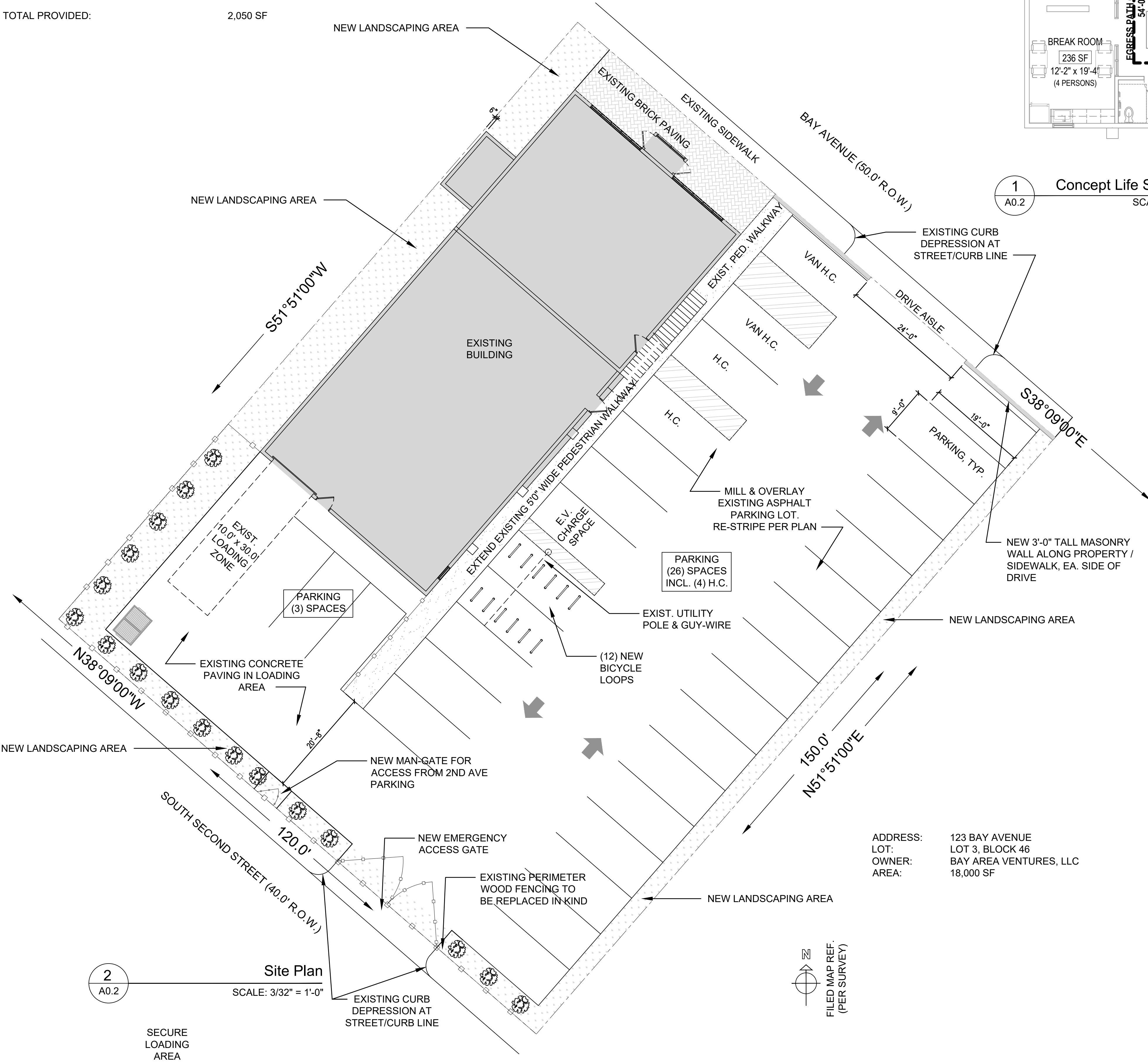
(2) 1-BEDROOM APARTMENTS 300 SF REQUIRED  
EXISTING ELEVATED DECK PROVIDED 250 SF PROVIDED

LANDSCAPING AREA:

10% LANDSCAPING PROVIDED:  
18,000 SF SITE AREA \* 10% = 1,800 SF

BAY AVENUE PLANTING AREA 216 SF  
WEST SIDE (CHURCH) AREA 843 SF  
2ND AVENUE TREE STRIP 520 SF  
EAST SIDE OF PARKING LOT BUFFER 471 SF

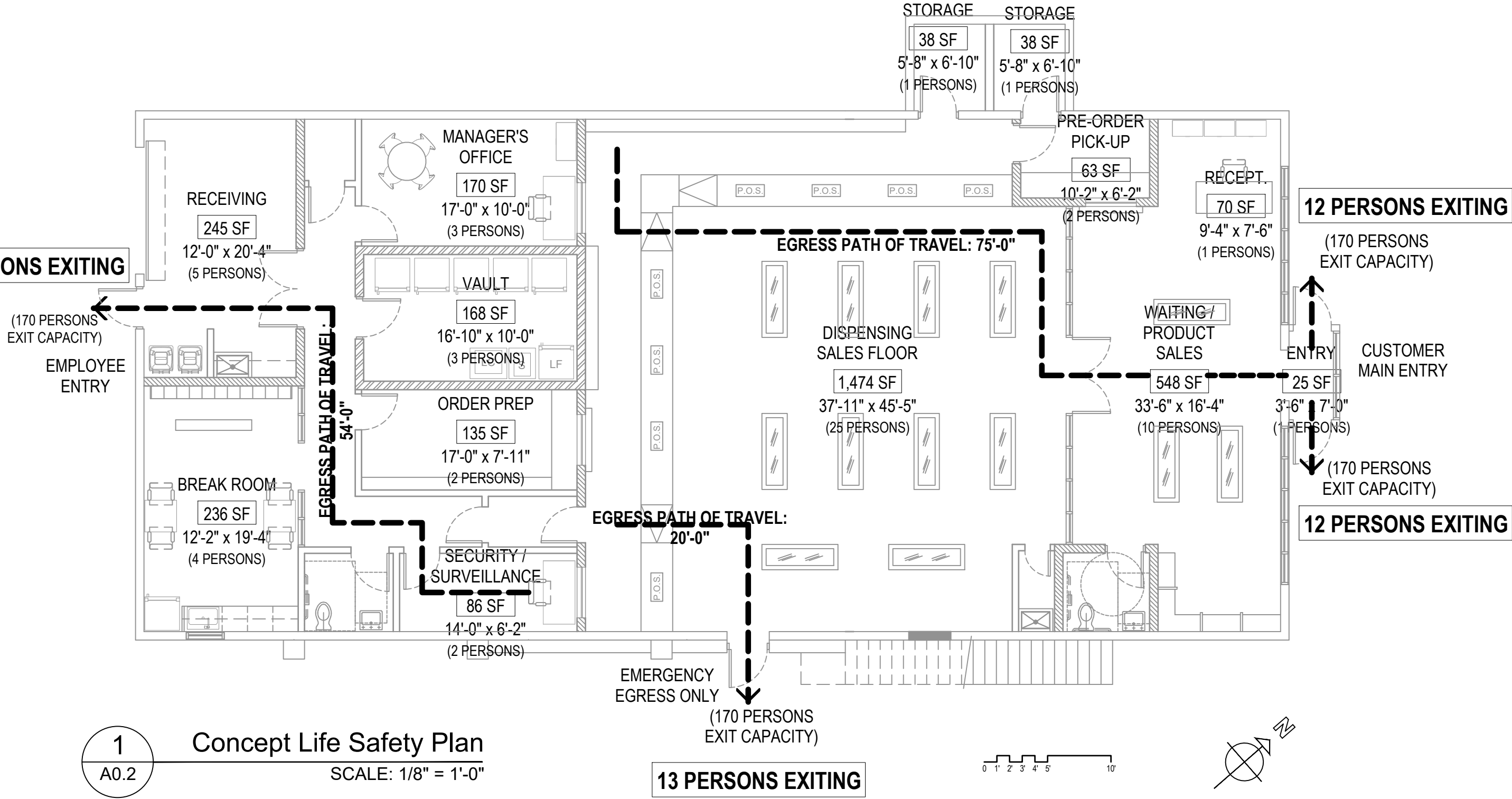
TOTAL PROVIDED: 2,050 SF



FILED MAP REF.  
(PER SURVEY)

ADDRESS: 123 BAY AVENUE  
LOT: LOT 3, BLOCK 46  
OWNER: BAY AREA VENTURES, LLC  
AREA: 18,000 SF

1 Concept Life Safety Plan  
A0.2 SCALE: 1/8" = 1'-0"



EGRESS:

TABLE 1004.1.2 - MAX. FLOOR AREA ALLOW  
60 GSF / PERSON  
300 GSF / PERSON (STORAGE)  
TABLE 1006.2.1 - SPACES W/ ONE EXIT  
49 PERSONS MAX.  
75'-0" MAX. PATH OF EGRESS  
TABLE 1006.3.1 - MIN. # EXITS / STORY  
1-500 PERSONS = 2 EXITS  
TABLE 1007.1.1  
EXITS TO BE > 1/2 DIAGONAL BTW. EXITS  
TABLE 1017.2 - EXIT ACCESS TRAVEL DISTANCE  
200'-0" MAX. (NOT SPRINKLERED)

CONFORMS: BASIS OF CALCULATION FOR RETAIL, WAITING, AND OFFICE AREAS.  
CONFORMS: BASIS OF CALCULATION FOR RECEIVING AREA.

CONFORMS: DISPENSARY HOLDS (27) PERSONS MAXIMUM  
CONFORMS: PATH OF TRAVEL FROM DISPENSARY IS 75'-0" MAXIMUM

CONFORMS: TOTAL OCCUPANCY < 500 PERSONS. BUILDING HAS (3) EXITS.

CONFORMS: BUILDING DIAGONAL IS 99'-2". EXIT SEPARATION IS 64'-2".

CONFORMS: NO PATH OF TRAVEL IS GREATER THAN 200'-0"

PARKING:

EXISTING RESIDENTIAL USE:  
SECTION 21-65.14.C.1

FOR THE (2) EXISTING 1-BEDROOM APARTMENTS:

RESIDENTIAL USES (1-BEDROOM) 1.8 SPACES PER UNIT  
PARKING REQUIRED @ 2 UNITS = 3.6 SPACES

PROPOSED RETAIL USE:  
SECTION 21-65.14.D.7.a(2)

THE FIRST 1,000 GSF SHALL BE EXEMPTED FROM PARKING.

ALL OTHER PERMITTED NON-RESIDENTIAL USES 1 SPACE PER 300 GSF (ABOVE 1,000 GSF)

BUSINESS, COMMERCIAL, PERSONAL SERVICE, AND RETAIL ESTABLISHMENTS 1 SPACE PER 600 GSF (ABOVE 1,000 GSF)

BUILDING GSF: 3,931  
EXEMPTION: 1,000  
RELEVANT GSF: 2,931

PARKING REQUIRED @ 1/300: 2,931 / 300 = 9.77 SPACES

PARKING REQUIRED @ 1/600: 2,931 / 600 = 4.85 SPACES

TOTAL PARKING REQUIRED:  
RESIDENTIAL 4 SPACES  
RETAIL 10 SPACES  
TOTAL 14 SPACES

PARKING PROVIDED: 29 SPACES

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(202) 714-7171  
info@rathunasllc.com

design architect  
**CatherineFranco**  
**Architect**  
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Tel: 732.291.5942  
cfarchitects@hotmail.com  
architect of record

professional stamp  
Retail Cannabis Dispensary  
**The Honorable Plant**  
123 Bay Avenue  
Highlands, NJ 08302

project info

SITE PLANS  
CONCEPTUAL SITE IMPROVEMENT PLAN, &  
CONCEPTUAL LIFE SAFETY PLAN

| REVISIONS:       |       |       |
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A0.2





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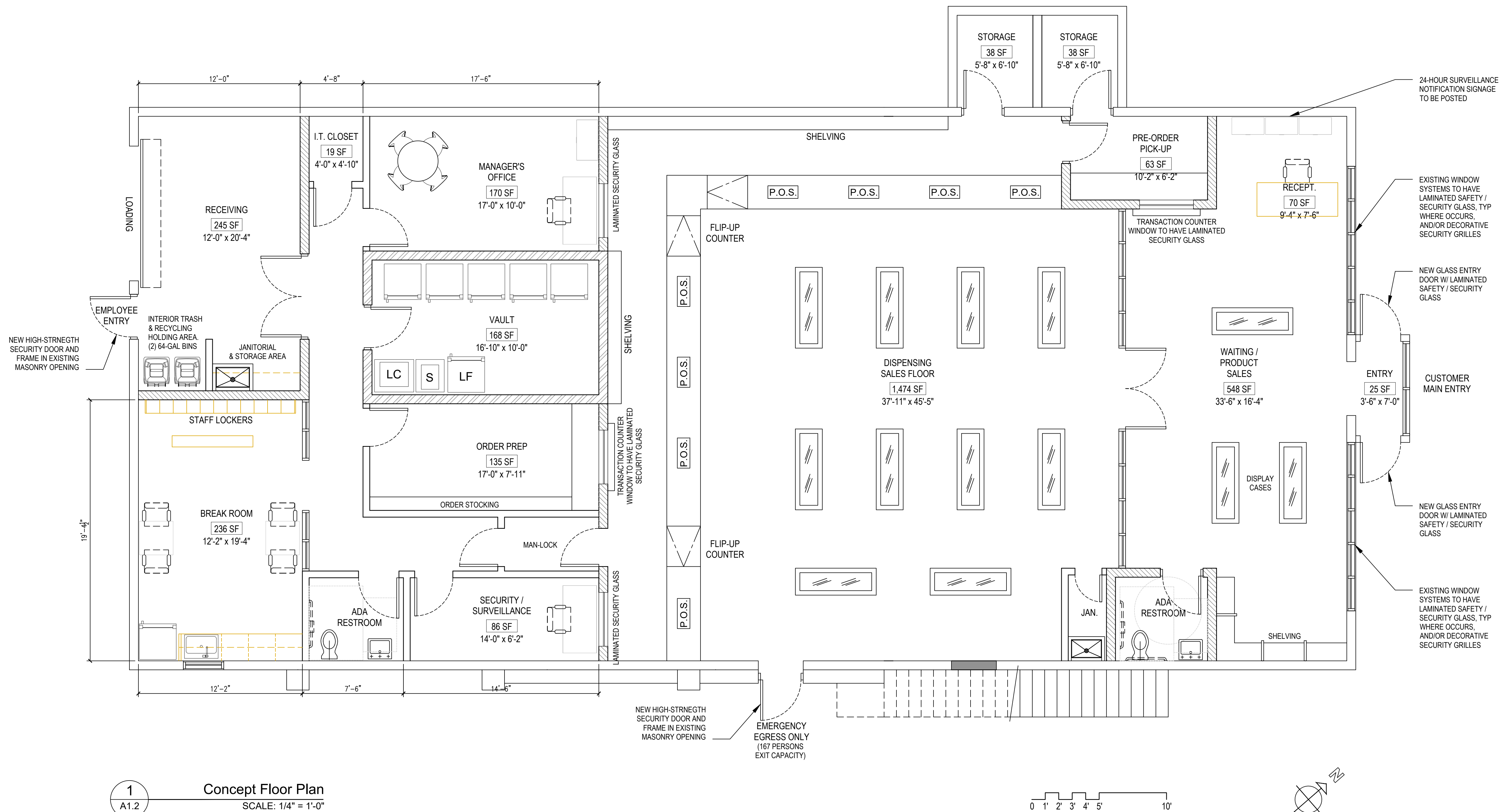
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In general, this means that:

- all doorways are of minimum required width, and have minimum required push and pull clearances,
- all toilet rooms have minimum required clearances, accessibility equipment, and door clearances,
- all corridors are designed to accommodate wheelchair access and manoeuvrability

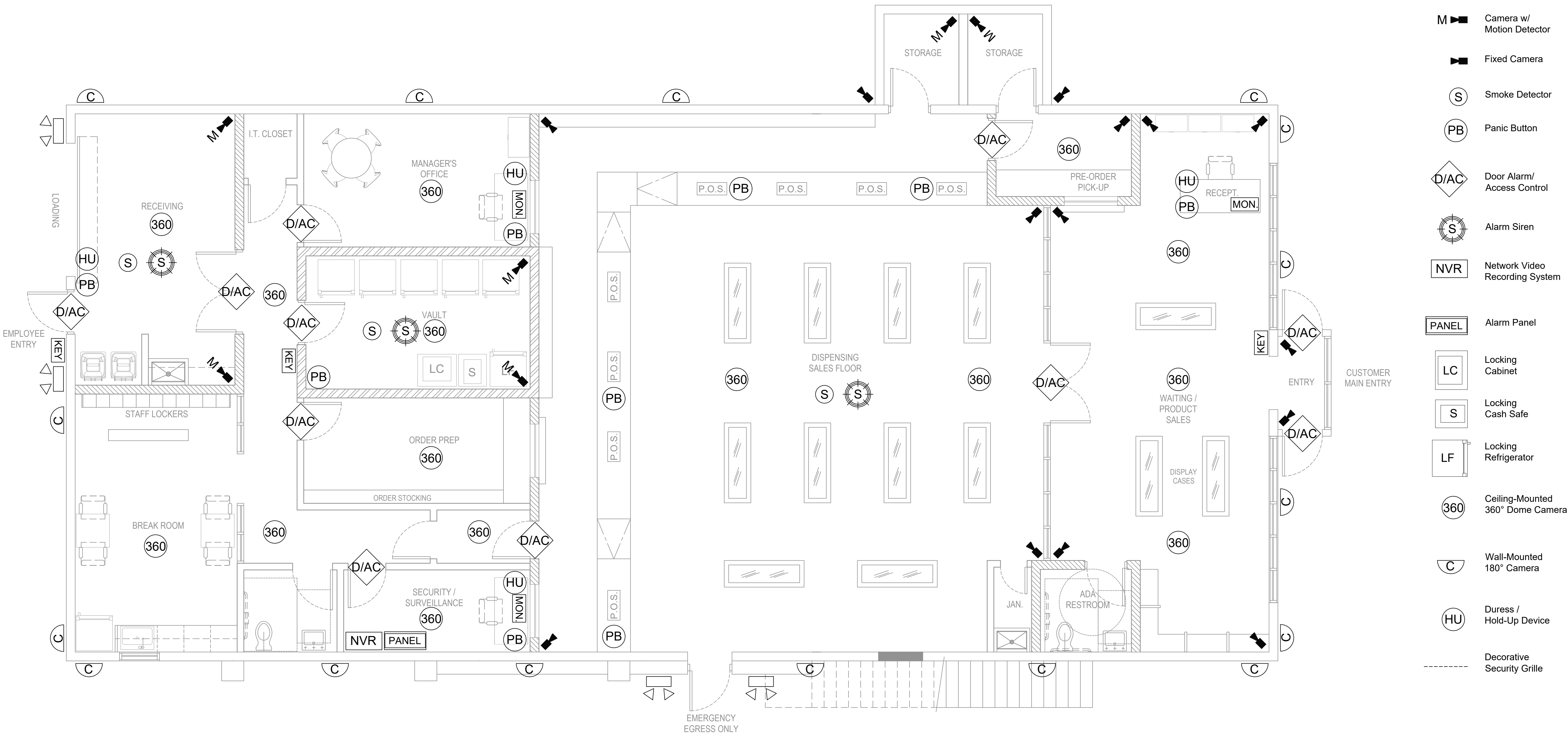
- Locking Refrigerator shall be 2'-6" x 3'-0" minimum
- Locking Cabinet shall be 2'-0" x 4'-0" minimum
- Locking fireproof safe shall be 2'-0" x 2'-6" minimum

The Air Treatment System shall incorporate an Air Scrubber Unit linked to the Exhaust Air Unit. The HVAC system shall also consist of a separate Fresh Air Make-Up Unit, independent of the main air conditioning system, but linked to the static air pressure control monitoring. All HVAC equipment shall be located on the roof top.



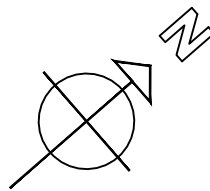
General Security Notes:

1. ALL NEW WINDOW AND DOOR GLAZING TO HAVE LAMINATED SAFETY / SECURITY GLASS
2. ALL ACCESS CONTROL POINTS TO BE BIOMETRIC AND TO BE ELECTRONICALLY MONITORED.
3. EMERGENCY 911 "TALK-A-PHONE" WITH INTEGRAL CAMERA TO BE INSTALLED ON SITE. LOCATION T.B.D.



1 Concept Security Plan  
A1.2s SCALE: 1/4" = 1'-0"

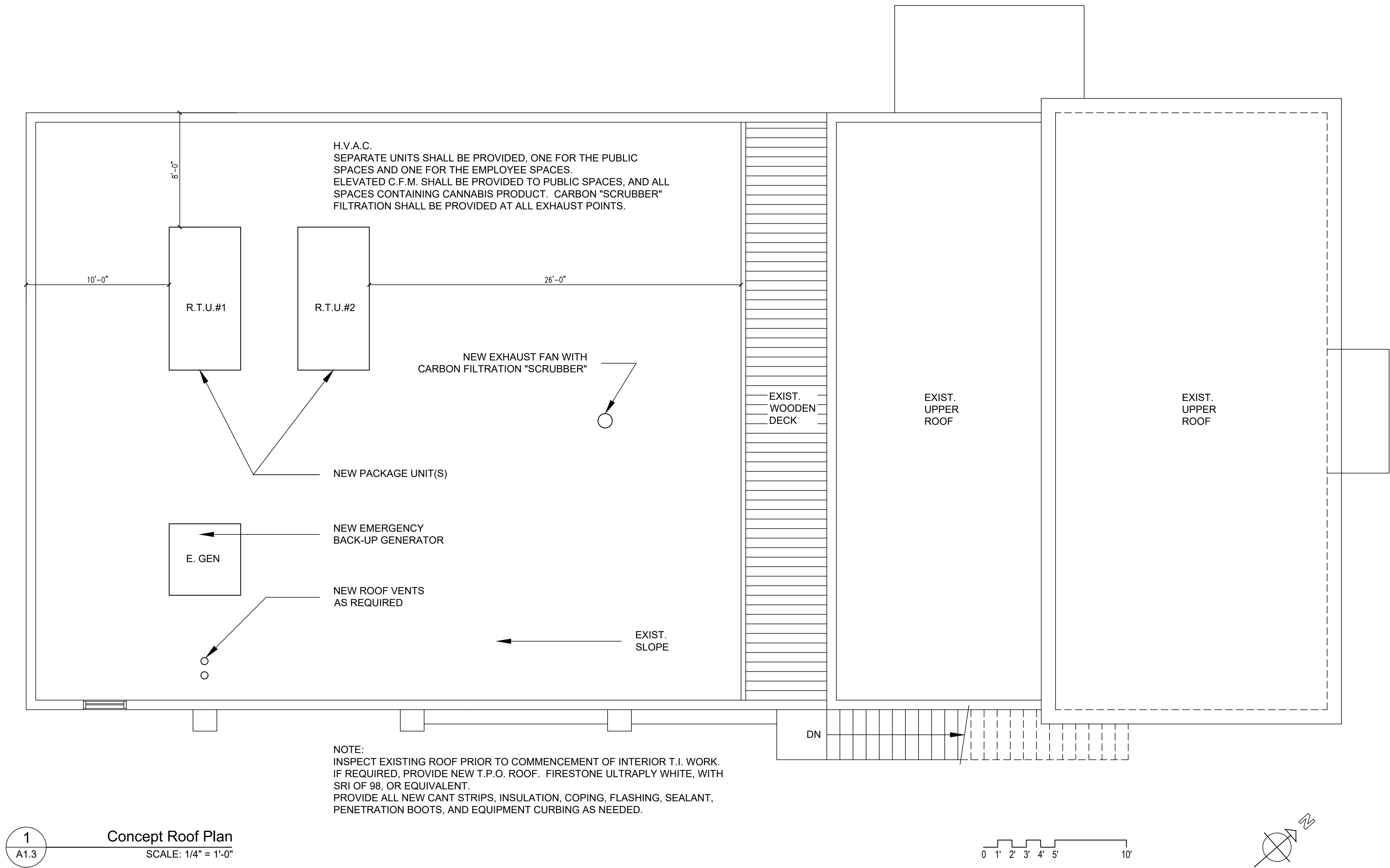
0 1' 2' 3' 4' 5' 10'



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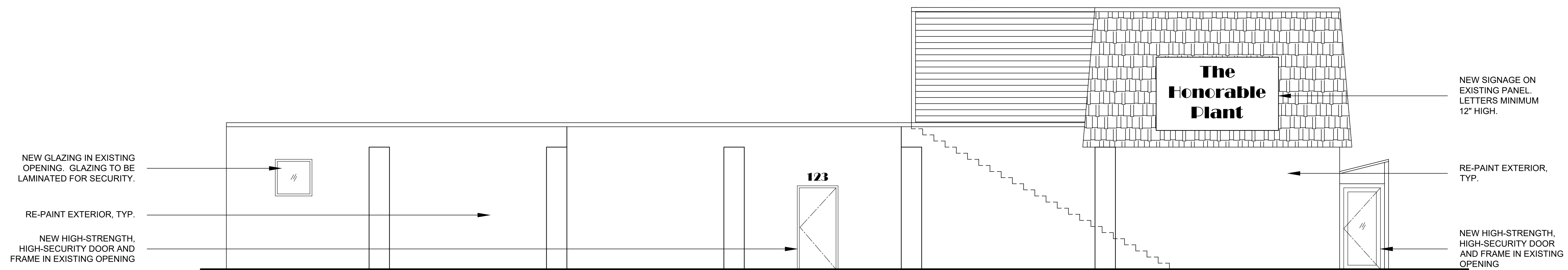
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23 NOVEMBER 2022  
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THP-05.22



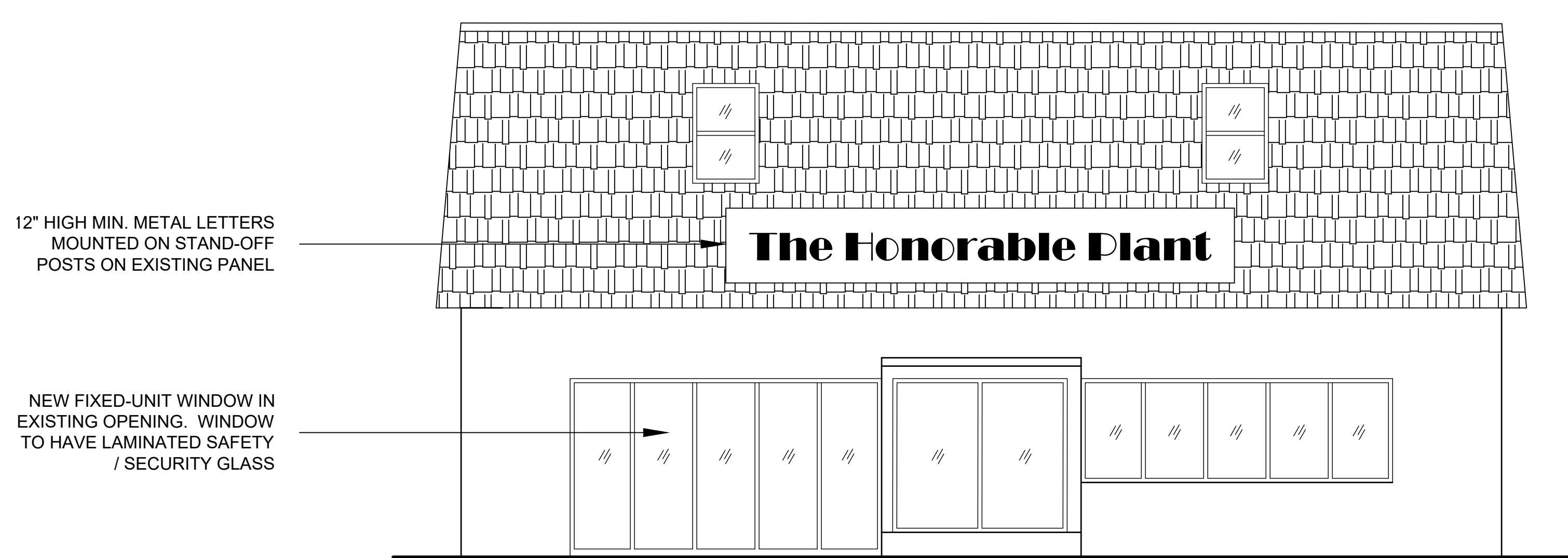


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| PROJECT NUMBER:<br>THP-05.22    |       |       |

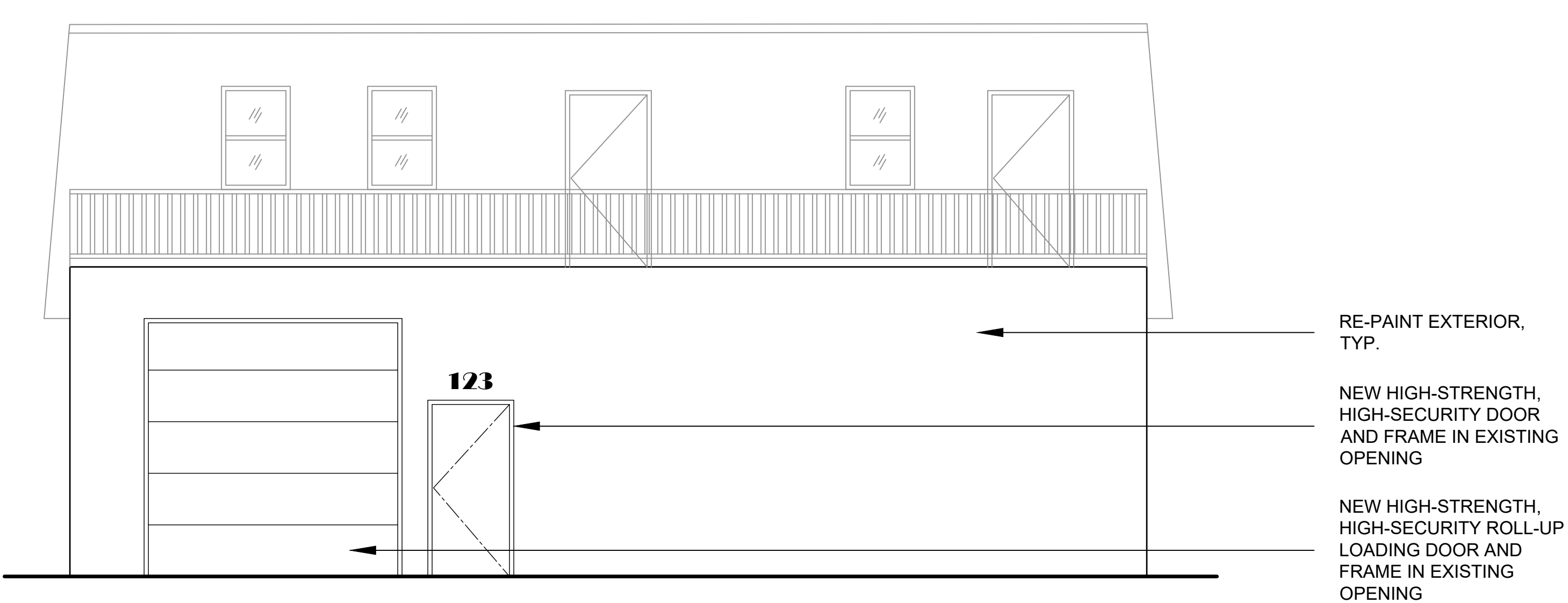




1  
A3.1      Parking Lot (East) Facade  
SCALE: 1/4" = 1'-0"



2  
A3.1      Bay Avenue (North) Facade  
SCALE: 1/4" = 1'-0"



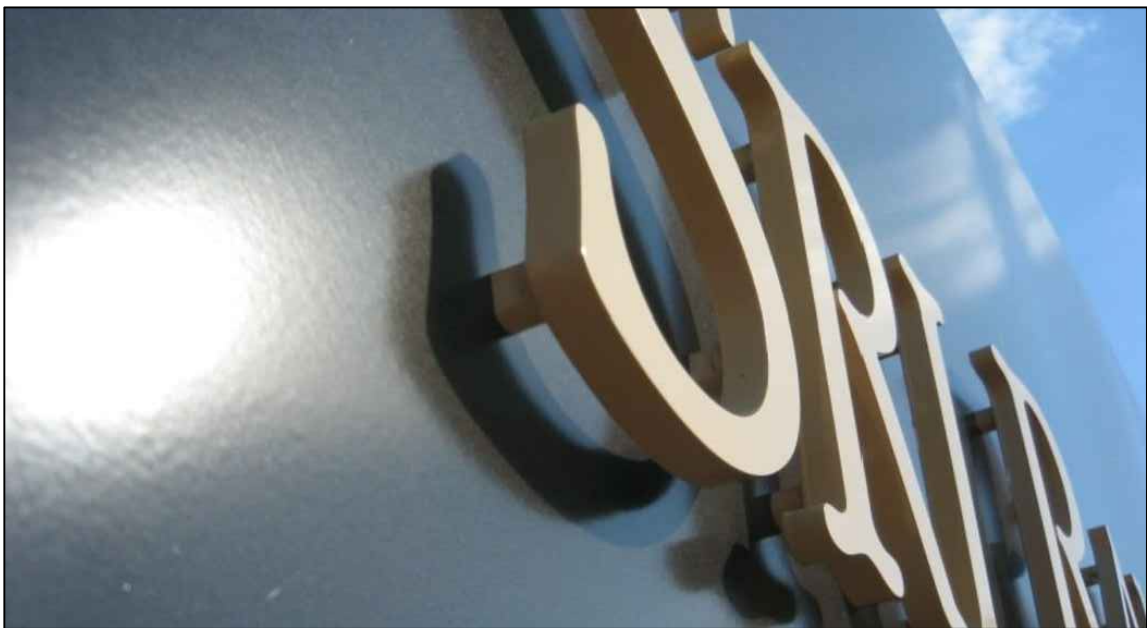
3  
A3.1      2nd Ave (South) Facade  
SCALE: 1/4" = 1'-0"



Storefront System  
SCALE: N.T.S.



Goose Neck Lighting  
SCALE: N.T.S.



Stand-off Pin Lettering  
SCALE: N.T.S.

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**Architect**  
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cfarchitects@hotmail.com

architect of record

professional stamp

Retail Cannabis Dispensary  
**The Honorable Plant**  
123 Bay Avenue  
Highlands, NJ 08302

project info

# ELEVATIONS

## CONCEPTUAL ELEVATIONS IMPROVEMENTS

| REVISIONS:       |       |       |
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| PROJECT NUMBER:  |       |       |
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#### GENERAL NOTES

1. THE SUBJECT PROPERTY IS KNOWN AS LOT 3 IN BLOCK 46 AS SHOWN ON SHEET 11 OF THE CURRENT TAX ASSESSMENT MAP FOR HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY.
2. THE SITE IS LOCATED IN THE CBD CENTRAL BUSINESS DISTRICT ZONE AND WITHIN THE C-RO-2 REDEVELOPMENT OVERLAY ZONE. THE SITE HAS DUAL FRONTAGE ALONG THE SOUTHWESTERLY SIDE OF BAY AVENUE AND ALONG THE NORTHEASTERLY SIDE OF SECOND STREET. THERE IS AN EXISTING BUILDING WITH AN EXISTING PAVED DRIVEWAY AND PARKING AREA ON THE SUBJECT PROPERTY. THE EXISTING BUILDING HAS A FIRST FLOOR FOOTPRINT AREA OF 3,925 SF FOR COMMERCIAL USE WITH TWO EXISTING RESIDENTIAL APARTMENT UNITS ABOVE. APPLICANT PROPOSES TO REHABILITATE AND ADAPT THE EXISTING BUILDING AND UPDATE EXISTING SITE IMPROVEMENTS FOR PROPOSED CANNIBIS RETAIL SALES AS A PERMITTED CONDITIONAL USE IN THE ZONE. APPLICANT ANTICIPATES THAT THE PROJECT SITE WILL OPERATE WITH APPROXIMATELY 6 OR 7 EMPLOYEES PER SHIFT, 10AM TO 7 PM WEDNESDAY THROUGH SATURDAY AND 12PM TO 5PM ON SUNDAY. PRODUCT IS TYPICALLY DELIVERED AND OFFERED FOR SALE WITHIN PRE-PACKAGED SEALED CONTAINERS TO HELP AVOID OR MITIGATE ODOR CONCERNS. APPLICANT ANTICIPATES DELIVERIES BY VAN OR OCCASIONAL SINGLE-UNIT TRUCK APPROXIMATELY 4 OR 5 TIMES PER WEEK, UTILIZING THE EXISTING LOADING AREA AT THE REAR OF THE BUILDING. EXISTING UTILITY SERVICE CONNECTIONS WILL REMAIN FOR WATER, SEWER, GAS, ELECTRIC, PHONE, AND CABLE-TV.
3. CANNIBIS RETAIL SALES IS A PERMITTED CONDITIONAL USE IN THE CBD ZONE AND THE C-RO-2 OVERLAY AS OUTLINED AT ORDINANCE SECTION 21-97.M, PROVIDED THE APPLICABLE DESIGN STANDARDS OF ARTICLE XI ARE MET TOGETHER WITH ANY OTHER REQUIREMENTS DEEMED NECESSARY BY THE LAND USE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS: A) THE CANNIBIS RETAILER SHALL NOT CONTAIN EITHER INDOOR OR OUTDOOR CONSUMPTION AREAS; AND B) THE CANNIBIS RETAILER SHALL NOT BE SITUATED WITHIN 1,000 FT OF ANY SCHOOL. APPLICANT ACKNOWLEDGES THESE CONDITIONS AS PART OF THIS PROJECT.
4. PROJECT-SPECIFIC SITE PLANS SHALL BE PREPARED AND UPDATED TO SHOW INFORMATION AND DETAILS FOR EXISTING SITE CONDITIONS AND PROPOSED SITE IMPROVEMENTS INCLUDING PAVEMENT AND WALKWAYS, STRIPING, STOP BARS AND TRAFFIC SIGNAGE, ADA SIGNAGE, TRASH ENCLOSURE, FENCING, LANDSCAPING, AND LIGHTING. GRADING PLAN SHALL PROVIDE SPOT GRADE DATA TO CONFIRM HANDICAP RAMPS, ADA PARKING AND ACCESSIBLE ROUTES AS REQUIRED BY CURRENT ADA AND PROWAG STANDARDS.
5. AS OUTLINED AT ORDINANCE SECTION 21-65.10A, THE APPLICANT ACKNOWLEDGES AND WILL PROVIDE A LANDSCAPING PLAN FOR ALL AREAS NOT DEVOTED TO STRUCTURES, PAVING, OR OTHER REQUIRED USES.
6. AS OUTLINED AT ORDINANCE SECTION 21-65.10.C.1 THE APPLICANT ACKNOWLEDGES THAT THE LANDSCAPING PLAN WILL PROVIDE SPECIFIC LOCATIONS FOR PLANTING MATERIAL TOGETHER WITH SIZE, QUANTITY, VARIETY, SPECIES, NOTES AND DETAILS FOR METHOD OF PLANTING.
7. AS OUTLINED AT ORDINANCE SECTION 21-65.10.C.2 THE APPLICANT ACKNOWLEDGES AND THIS PRELIMINARY RENDERING SHOWS THAT 10 % OF THE SITE AREA WILL BE DEDICATED TO LANDSCAPING AREA.
8. AS OUTLINED AT ORDINANCE SECTION 21-65.11 THE APPLICANT ACKNOWLEDGES THAT THE LANDSCAPING PLAN WILL ALSO PROVIDE A LIGHTING LAYOUT WITH SPECIFICATIONS, EVALUATION, NOTES AND DETAILS FOR PROPOSED LIGHTING INSTALLATION TO MEET THE ORDINANCE STANDARDS.
9. AS OUTLINED AT ORDINANCE SECTION 21-65.7 FENCES ARE PERMITTED TO BE UP TO 6-FT IN HEIGHT ABOVE GROUND LEVEL WHEN LOCATED OUTSIDE OR BEHIND THE REQUIRED FRONT YARD SETBACK. PROPOSED 6-FT HIGH FENCING ALONG THE SECOND STREET FRONTAGE SHALL BE SITUATED BEHIND THE REQUIRED 0-FT FRONT YARD SETBACK.
10. REFUSE AND RECYCLABLE MATERIALS ASSOCIATED WITH GENERAL OFFICE TRASH SHALL BE STORED WITHIN THE PROPOSED TRASH ENCLOSURE FOR PICK-UP ON DESIGNATED DAYS. HEMP/SCRAP CANNIBIS WASTE WILL BE STORED SEPARATELY INSIDE THE BUILDING. TRASH PICK-UP WILL BE PROVIDED BY PRIVATE HAULERS: A) FOR TYPICAL OFFICE WASTE AND RECYCLABLES; AND B) FOR HEMP/SCRAP WASTE BY MEDICAL WASTE HAULER FOR SPECIFIC PICK-UP AS REQUIRED BY CODE.
11. PROPERTY OWNER'S GENERAL CONTRACTOR IS RESPONSIBLE FOR SITE GRADING AND CONSTRUCTION, AND PROJECT SAFETY, INCLUDING PROVISIONS FOR APPROPRIATE SAFETY DEVICES AND REQUIRED TRAINING. GENERAL CONTRACTOR SHALL CONTACT NJ ONE CALL SYSTEM AT (800)272-1000 PRIOR TO EXCAVATION ON-SITE OR WITHIN MUNICIPAL RIGHT-OF-WAY.
12. ATTENTION OF THE CONTRACTOR IS DIRECTED TO THE FACT THAT APPROXIMATE LOCATIONS OF KNOWN UTILITY STRUCTURES AND FACILITIES THAT MAY BE ENCOUNTERED WITHIN OR ADJACENT TO THE SITE OR LIMITS OF WORK ARE SHOWN ON THE PLANS. THE ACCURACY AND COMPLETENESS OF THIS INFORMATION IS NOT GUARANTEED BY THE ENGINEER. CONTRACTOR IS ADVISED TO VERIFY THE LOCATION, SIZE, AND GRADE OF ALL THESE UTILITIES OR OTHER CONSTRUCTION OBSTACLES PRIOR TO STARTING WORK. CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES THAT MAY AFFECT THE PROJECT DESIGN.
13. ANY DAMAGE TO EXISTING MUNICIPAL CURB, SIDEWALK, PAVEMENT, UTILITIES, AND/OR EXISTING STORM DRAINAGE INFRASTRUCTURE DUE TO PROPOSED CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE BOROUGH'S ENGINEER.
14. ALL PROPOSED SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH TOWNSHIP ORDINANCE SECTION 21-65.19. DETAILS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION OR SIGN INSTALLATION.
15. MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR SITE IMPROVEMENTS AS SHOWN HEREON SHALL BE IN ACCORDANCE WITH: A) NJ DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION; B) NJ RESIDENTIAL SITE IMPROVEMENT STANDARDS; C) CURRENT PREVAILING MUNICIPAL AND/OR COUNTY SPECIFICATIONS, STANDARDS, AND REQUIREMENTS; D) CURRENT PREVAILING UTILITY COMPANY / UTILITY AUTHORITY SPECIFICATIONS, STANDARDS, AND REQUIREMENTS; E) CURRENT PREVAILING MANUFACTURER'S SPECIFICATIONS; AND F) CURRENT PREVAILING ADA REGULATIONS, WHERE APPLICABLE.
16. FOR PUBLIC ACCOMMODATIONS OUTSIDE THE PUBLIC RIGHT-OF-WAY ACCESSIBILITY SHALL BE IN COMPLIANCE WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN. STANDARDS FOR PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES, TITLE III. FOR SITES AND FACILITIES LOCATED INSIDE THE PUBLIC RIGHT-OF-WAY, ACCESSIBILITY SHOULD COMPLY WITH THE CURRENT PUBLIC RIGHTS-OF-WAY ACCESS ADVISORY COMMITTEE GUIDELINE (PROWAG).
17. DEPRESSED CURB SHALL BE INSTALLED FLUSH WITH PAVEMENT GRADE TOGETHER WITH SIDEWALK CURB RAMPS FOR BARRIER FREE ACCESS WHEREVER PROPOSED SIDEWALK MEETS PROPOSED CURB. ALL IMPROVEMENTS SHALL BE INSTALLED IN ACCORDANCE WITH CURRENT ADA ACCESSIBILITY AND SLOPE REQUIREMENTS AS NECESSARY.
18. ANY EXISTING CURB CUTS AND/OR DEPRESSED CURB NOT PROPOSED TO BE REUSED SHALL BE REMOVED AND REPLACED WITH FULL-FACE CURBING. ANY DAMAGED AND/OR UNACCEPTABLE CURBING SHALL BE REMOVED AND REPLACED AT THE DIRECTION OF THE BOROUGH'S ENGINEER.
19. ALL REGULATORY SIGNAGE AND STRIPING (i.e. STOP SIGNS, NO PARKING SIGNS, FIRE LANE STRIPING, ETC.) SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE BOROUGH'S FIRE MARSHALL, TRAFFIC AND SAFETY DEPARTMENT, AND ENGINEER.
20. THE PROJECT SITE IS MORE THAN 500-FT FROM THE MEAN HIGH WATER LINE AND THE PROJECT CONSISTS OF LESS THAN 75 DWELLING UNITS AND LESS THAN 150 NEW PARKING SPACES. THEREFORE, IN ACCORDANCE WITH NJAC 7-2-2.2(a)4 THE SCOPE OF WORK FOR THE PROJECT DOES NOT TRIGGER THE NEED FOR NJDEP CAFRA PERMIT REVIEW.

#### LOT COVERAGE COMPUTATIONS

|   |                             |
|---|-----------------------------|
| EXISTING LOT COVERAGE                             |                             |
| EXISTING BUILDING FOOTPRINT AREA =                | 3,925 SF = 21.8 % COVERAGE  |
| EXISTING DRIVEWAY & PARKING FOOTPRINT AREA =      | 9,633 SF                    |
| EXISTING CONCRETE PAD, PARKING AND LOADING AREA = | 925 SF                      |
| EXISTING WALKWAY FOOTPRINT AREAS =                | 1,022 SF                    |
| TOTAL EXISTING IMPERVIOUS COVERAGE =              | 15,505 SF = 86.1 % COVERAGE |

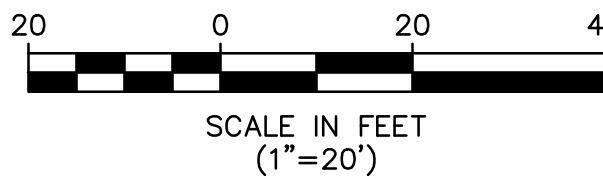
|   |                             |
|---|-----------------------------|
| PROPOSED LOT COVERAGE                             |                             |
| EXISTING BUILDING FOOTPRINT AREA (TO REMAIN) =    | 3,925 SF = 21.8 % COVERAGE  |
| PROPOSED DRIVEWAY & PARKING FOOTPRINT AREA =      | 9,674 SF                    |
| EXISTING CONCRETE PAD, PARKING AND LOADING AREA = | 925 SF                      |
| PROPOSED WALKWAYS, CONC. PADS FOOTPRINT AREAS =   | 1,525 SF                    |
| PROPOSED TRASH ENCLOSURE FOOTPRINT AREA =         | 144 SF                      |
| TOTAL PROPOSED IMPERVIOUS COVERAGE =              | 16,193 SF = 90.0 % COVERAGE |

PROPOSED INCREASE IN IMPERVIOUS COVERAGE: 16,193 SF (PROP.) - 15,505 SF (EXIST.) = 688 SF  
PROPOSED AREA OF DISTURBANCE = 12,600 SF = 0.29 ACRES.

#### PARKING REQUIREMENTS

PROPOSED BUILDING COMMERCIAL USE: 3,925 SF X 1 SPC/600 SF = 7 SPC  
RESIDENTIAL APARTMENTS: 1.8 SPC/DU X 2 DU = 4 SPC

TOTAL REQUIRED PARKING = 11 SPC  
TOTAL PARKING PROVIDED = 29 SPC  
(SHARED PARKING ARRANGEMENTS FOR VARIOUS USES MAY APPLY AS WELL)



|  |      |                             |                   |
|--|------|-----------------------------|-------------------|
| No.  | DATE | REVISION                    | BY                |
| <b>EASTERN CIVIL ENGINEERING, LLC</b><br>CIVIL ENGINEERING - SURVEYING & MAPPING - LAND USE PLANNING - SITE DESIGN<br>31 GRAND TOUR , HIGHLANDS NJ 07732 PHONE: 732.872.7736 |      |                             |                   |
| COLOR RENDERING EXHIBIT FOR<br><b>THE HONORABLE PLANT, LLC</b><br>BLOCK 46 LOT 3<br>TAX MAP SHEET No. 11<br>HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY                   |      |                             |                   |
| DATE:<br>11-29-22  |      | SCALE:<br>1" = 20'          | DESIGN BY:<br>ARS |
| PROJECT NO.:<br>2202138  |      | SHEET NO.:<br><b>1 of 1</b> |                   |

**ANDREW R. STOCKTON**  
PROFESSIONAL ENGINEER & LAND SURVEYOR  
NEW JERSEY LIC. NO. 35405





Borough of Highlands  
42 Shore Drive, Highlands, NJ 07732  
Phone: (732) 872-1224  
www.highlandsborough.org

## Zoning Permit Application

Note: All applications must be submitted with a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

The following **NON-REFUNDABLE** fees shall apply:

Residential Single & Two-Family

\$25 Check # \_\_\_\_\_ Cash \_\_\_\_\_

Commercial/Other residential

\$50 Check # \_\_\_\_\_ Cash ☒ 10/14

APPLICANT Name: The Honorable Plant Bernadette Dunphy Date: 10/10/22

Address: 308 Harding Road, Fair Haven, NJ 07404

Phone# 732-687-5660 Email: thehonorableplant@gmail.com

Block: 46 Lot(s): 3 Zone: CBD owner: \_\_\_\_\_

Street Address: 123 Bay Avenue, Highlands, NJ 07732 - Bay Ventures

Proposed Use is for a Cannabis Retail License - Class 5

Check one: ☒ New\* ☐ Addition\* ☐ Alteration ☐ Repair ☐ Other

I certify the attached survey is accurate relating to existing and proposed improvements. In addition, I grant permission to the Borough of Highlands and their Agents to come onto the subject property, for the purposes of conducting inspections, relating to the application.

YES ☒ NO ☐

Signature: Bernadette Dunphy Date: 10/10/22

Check applicable Flood Zone: ☐ AE ☐ VE ☒ X

All applications within the AE and VE Flood Zones, as indicated upon the most recent FEMA Flood Maps, require submission of a determination from the NJDEP.

Determination: Approved ☒ Denied ☐

Zoning Officer: Brian Phelan

If your application has been DENIED, it is due to the following:

Ordinance Section Allowed/Required

Date: 10-19-22

Proposed

Remarks: PENDING LAND USE BOARD APPROVAL

Note: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands. A building permit is required (per the requirements of the Uniform Construction Code of NJ) BEFORE beginning work. The Zoning Permit is valid for one year. If your application has been denied, you may appeal this denial to the Land Use Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to the Land Use Board Secretary within 20 days.

\* Note: Applications for New and Addition require a Flood Plain Review Application to the Borough Flood Administrator upon submission of this application.

# BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

42 SHORE DRIVE  
HIGHLANDS, NJ 07732  
COUNTY OF MONMOUTH

(732) 872-1224 PH  
(732) 872-0670 FX

WWW.HIGHLANDBOROUGH.ORG



CAROLYN BROULLON  
MAYOR

MICHAEL MUSCILLO  
ADMINISTRATOR

NANCY TRAN  
BOROUGH CLERK

10-19-2022

Bernadette Murphy  
The Honorable Plant  
308 Harding Rd  
Fair Haven NJ 07704

Re: Cannabis Application at 123 Bay Ave

Dear Bernadette Murphy:

The above-referenced Property is located within the Central Business District, according to the Zoning Map of the Borough of Highlands dated July 2018. Pursuant to Ordinance O-21-21, authorized recreational marijuana retail facilities are a conditional use in Central Business District or Highway Oriented Business zones, with certain specified conditions, and require Land Use Board approval. Accordingly, your proposed adult use cannabis retailer site at 123 Bay Avenue is appropriately located within the Central Business District.

Specifically, the proposed use will be a permissible use of the Property upon Land Use Board approval.

Very truly yours,

Brian O'Callahan  
Zoning Official  
Borough of Highlands  
(732) 615-2278



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 22-216**

### **IN SUPPORT OF CANNABIS ESTABLISHMENT**

**WHEREAS**, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

**WHEREAS**, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

**WHEREAS**, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older;

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Act, which established the adult use cannabis program in the State of New Jersey.

**WHEREAS**, the Borough of Highlands endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

**WHEREAS**, the Borough of Highlands supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of Highlands to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M); and

**WHEREAS**, The Honorable Plant LLC has expressed interest in the siting of such a facility within the Borough of Highlands.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of The Honorable Plant LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M).

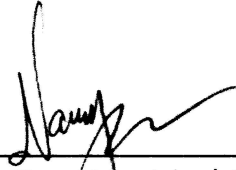
**BE IT FURTHER RESOLVED**, that due to the Borough's limit of a single Cannabis Retailer License, upon submission of a complete license application, the license applicant that receives Cannabis Regulatory Commission approval first in time shall be deemed approved by the Borough.

Motion to Approve R 22-216:

|           | INTRODUCED | SECOND | AYE | NAY | RECUSE | ABSENT |
|-----------|------------|--------|-----|-----|--------|--------|
| CERVANTES |            |        | X   |     |        |        |
| CHELAK    |            | X      | X   |     |        |        |
| MELNYK    |            |        |     | X   |        |        |
| OLSZEWSKI |            |        | X   |     |        |        |
| BROULLON  | X          |        | X   |     |        |        |

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 5, 2022



---

Nancy Tran, Municipal Clerk  
Borough of Highlands



HGPB- R1970

November 2, 2022

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: The Honorable Plant, LLC  
123 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Minor Site Plan & Conditional Use Variance  
First Completeness Review**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, Section 21-58.D – Minor Site Plan.

The applicant submitted the following documents in support of this application:

1. Architectural & Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of four (4) sheets.
2. Land Use Board Application and supporting documents, dated October 21, 2022.
3. Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated October 27, 2022, consisting of three (3) sheets.
4. Business Plan/Operational report/narrative, unknown author, undated, consisting of fifteen (15) pages.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.D:

**Preliminary Site Plan (Minor):** The preliminary site plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include such details as may be necessary to properly evaluate the application and determine compliance with this chapter. The site plan shall be drawn by a licensed New Jersey professional engineer and land surveyor and, where applicable to the proposed use or construction, the following information shall be clearly shown.

1. Date, name, location of site, name of owner, scale and reference meridian. **Partially provided. The applicant shall indicate the owner and reference meridian on the plans.**
2. Area of the lot and all lot line dimensions and bearings. **Partially provided. Lot dimensions and bearings should be provided on the plans.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Partially provided. An aerial image is provided documenting adjacent features.**
4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Partially provided. The applicant shall clarify the side yard**



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** The Honorable Plant, LLC  
123 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Minor Site Plan & Conditional Use Variance  
First Completeness Review

**setback to the existing building appendage on the northwest side line. Additionally, the applicant shall clarify the lot coverage calculation, as this should include all impervious coverage. The plan notes “hardscape coverage” at 78.17%.**

5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not provided. No new buildings are proposed.**
6. The location and widths of existing and proposed streets servicing the site plan. **Partially provided. The applicant shall provide the widths of the existing streets the subject property fronts.**
7. Specifications for and location of proposed surface paving and curbing. **Partially provided. The applicant shall provide specifications and construction details of the proposed surface paving.**
8. Location of all structures within seventy-five (75) feet of the property. **Partially provided. An aerial image is provided documenting adjacent features.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Partially provided.**
10. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable. No storm water management features are proposed.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Not provided.**
12. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Not applicable.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided, but site is existing and almost fully built out.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Partially provided.**





**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** The Honorable Plant, LLC  
123 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Minor Site Plan & Conditional Use Variance  
First Completeness Review

16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Partially provided. The applicant notes that a trash enclosure can be provided behind the existing building. The applicant shall confirm that existing utilities will be retained.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs and lighting fixtures. **The applicant did not provide information on site lighting or proposed signage.**
18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided. The existing building's first floor elevation is not specified. The existing building is located within flood zone AE-11. Therefore, the building renovation plans should be designed in accordance with FEMA standards and the Borough of Highlands Flood Damage Prevention Ordinance requirements. I defer to the Borough Floodplain Manager for further review.**
19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Provided.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
21. Soil Borings, when required by the Board Engineer. **Not required.**
22. Certification statement for the required municipal signatures, stating: **Not provided.**
  - Application No. \_\_\_\_\_ approved/disapproved by the Highlands Land Use Board as a Minor Site Plan on \_\_\_\_\_.

(date)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary
23. Certification statement for the County Planning Board approval / disapproval, if required. **Project fronts on a County Road, therefore approval or letter of no interest will ultimately be required from the County Planning Board.**
24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter. **Informational.**



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: The Honorable Plant, LLC  
123 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Minor Site Plan & Conditional Use Variance  
First Completeness Review**

Per Section 21-97.M of the Ordinance, a cannabis retailer may be permitted in the Central Business District (CBD) Zone provided that applicable Article XI Design Standards are met together with any other requirements deemed necessary by the Land Use Board and applicable requirements of this chapter. **Prior to the public hearing the applicant shall provide a narrative outlining compliance with all Article XI Design Standards, and any applicable relief required/requested.**

**It should be noted that this application is being reviewed under the Central Business District (CBD) Zone criteria. The property is also located within the CBD Redevelopment Overlay 3 (C-RO-3) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-3 Zone criteria, but one or the other shall be identified.**

Several items noted above have not been submitted to the Board, however adequate information has been provided in order to perform a technical review of the application. **The application shall therefore be deemed COMPLETE, pending confirmation from the Board Secretary that the balance of fees and escrows have been posted.**

**We will also commence technical review upon same notification.**

The application fee and escrow fee calculation letter will be provided under separate cover.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER

EWH:KJO

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)  
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)  
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)  
The Honorable Plant, LLC, Applicant (Thehonorableplant@gmail.com / bdunphy@comcast.net)  
Bay Avenue Ventures, Owner (manderson@nppg.com)  
Edward McKenna, Esq., Applicant's Attorney (yurkow@redbanklaw.com)  
Rathunas, LLC, Applicant's Architect (info@rathunasllc.com)



HGPB- R1970

November 2, 2022

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: The Honorable Plant, LLC  
123 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Minor Site Plan & Conditional Use Variance  
Fee Determination**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

The applicant submitted the following documents in support of this application:

1. Architectural & Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of four (4) sheets.
2. Land Use Board Application and supporting documents, dated October 21, 2022.
3. Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated October 27, 2022, consisting of three (3) sheets.
4. Business Plan/Operational report/narrative, unknown author, undated, consisting of fifteen (15) pages.

Please note the following fee calculations:

- |                            |                   |
|----------------------------|-------------------|
| <b>1. Application fee:</b> | <b>\$1,350.00</b> |
| <b>2. Escrow fee:</b>      | <b>\$2,700.00</b> |

Please note that the initial application deposits shall be deducted from the total fees shown.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER

EWH:KJO

Att.



**Le: Nancy Tran, Land Use Board Secretary**  
**Borough of Highlands Land Use Board**

**Re: The Honorable Plant, LLC**  
**123 Bay Avenue**  
**Block 46, Lot 3**  
**Central Business District (CBD) Zone**  
**Minor Site Plan & Conditional Use Variance**  
**Fee Determination**

**cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)**  
**Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)**  
**Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)**  
**Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)**  
**The Honorable Plant, LLC, Applicant (Thehonorableplant@gmail.com / bdunphy@comcast.net)**  
**Bay Avenue Ventures, Owner (manderson@nppg.com)**  
**Edward McKenna, Esq., Applicant's Attorney (yurkow@redbanklaw.com)**  
**Rathunas, LLC, Applicant's Architect (info@rathunasllc.com)**

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HGPB-R1970

DETERMINATION OF FEES\*  
The Honorable Plant, LLC - 123 Bay Avenue  
Block 46 Lot 3

**A. APPLICATION FEES (Ord. 21-107)**

|  |   |    |    |        |    |        |
|--|---|----|----|--------|----|--------|
| A. Variances   |   |    |    |        |    |        |
| 3. Nonresidential "c" (side yard setback per 21-91.A.4.a)  | 1 | EA | \$ | 250.00 | \$ | 250.00 |
| Nonresidential "c" (Outdoor living space per 21-91.A.4.b ) | 1 | EA | \$ | 250.00 | \$ | 250.00 |
| 4. Nonresidential "d3" (Section 21-97.M)                   | 1 | EA | \$ | 500.00 | \$ | 500.00 |
| C. Site Plans  |   |    |    |        |    |        |
| 2. Minor   | 1 | EA | \$ | 100.00 | \$ | 100.00 |
| E. Conditional Use Applications                            | 1 | EA | \$ | 250.00 | \$ | 250.00 |

**B. ESCROW FEES (Ord. 21-108)**

|   |   |    |    |          |                                  |             |
|---|---|----|----|----------|----------------------------------|-------------|
| B. Escrow Deposits (twice Application Fee; Minimum \$750) | 1 | LS | \$ | 2,700.00 | \$                               | 2,700.00    |
|   |   |    |    |          | <b>Application fees subtotal</b> | \$ 1,350.00 |
|   |   |    |    |          | <b>Escrow fee subtotal</b>       | \$ 2,700.00 |
|   |   |    |    |          | <b>Total</b>                     | \$ 4,050.00 |

\*It should be noted that this application is being reviewed under the Central Business District (CBD) Zone criteria. The property is also located within the CBD Redevelopment Overlay 3 (C-RO-3) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-3 Zone criteria, but one or the other shall be identified.



HGPB- R1960

November 16, 2022  
***Revised December 16, 2022***

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: The Honorable Plant, LLC  
123 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-2  
Minor Site Plan & Conditional Use Variance  
First Engineering Review**

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for Minor Site Plan and Conditional Use Variance approval. The applicant submitted the following documents in support of this application:

1. Architectural & Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of four (4) sheets.
  - a. This shall be referred to as "Site Plan A."
2. Site Plans prepared by Rathunas LLC, dated October 21, 2022, consisting of one (1) sheet.
  - a. This shall be referred to as "Site Plan B."
3. Land Use Board Application and supporting documents, dated October 21, 2022.
4. Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated October 27, 2022, consisting of three (3) sheets.
5. Business Plan/Operational report/narrative, unknown author, undated, consisting of fifteen (15) pages.
6. **Architectural & Site Plans prepared by Rathunas LLC, dated November 23, 2022, consisting of seven (7) sheets.**
7. **Color Rendering Exhibit prepared by Andrew R. Stockton, P.E., P.L.S., of Eastern Civil Engineering, LLC, dated November 29, 2022, consisting of one (1) sheet.**

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

**A. Project Description**

The 18,000 square foot property is currently a developed lot with a two-story, 3,980 square feet footprint, mixed-use building containing vacant retail space on the first floor and residential apartments on the second floor. The site is located in the Central Business District (CBD) Zone



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and the CBD Redevelopment Overlay 2 (C-RO-2) Zone of the Borough with dual frontage along Bay Avenue (County Route 8) and South Second Street. With this application, the applicant is seeking minor site plan and conditional use variance approval and is proposing to convert the first floor of the mixed-use building into a cannabis retail store while maintaining the existing second floor residential apartment space. The proposed cannabis retail use is a permitted conditional use in the CBD Zone and C-RO-2 Zone.

**B. Planning and Zoning**

1. The subject property is located within the CBD Zone and C-RO-2 Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone criteria and shall provide testimony confirming one or the other. The plans shall be revised to specify which Zone criteria is applicable and be designed in accordance with same.
2. In accordance with Section 21-91 of the Ordinance regarding CBD Zone criteria, existing/proposed bulk deficiencies are noted as follows:

| CBD Zone  | Required | Existing          | Proposed          |
|---|----------|-------------------|-------------------|
| Minimum Lot Size  | NA       | 18,000 SF         | 18,000 SF         |
| Minimum Lot Frontage – <i>Bay Avenue (County Route 8)</i>       | NA       | 120'              | 120'              |
| Minimum Lot Frontage – <i>South Second Street</i>               | NA       | 120'              | 120'              |
| Minimum Lot Depth – <i>Bay Avenue (County Route 8)</i>          | NA       | 149.9'            | 149.9'            |
| Minimum Lot Depth – <i>South Second Street</i>                  | NA       | 149.9'            | 149.9'            |
| Minimum Front Yard Setback – <i>Bay Avenue (County Route 8)</i> | 0'       | 6' <sup>(C)</sup> | 6' <sup>(C)</sup> |
| Minimum Front Yard Setback – <i>South Second Street</i>         | 0'       | 49'               | 49'               |
| Minimum Rear Yard Setback                                       | 12'      | NA                | NA                |



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|  |        |                        |                               |
|--|--------|------------------------|-------------------------------|
| Minimum Side Yard Setback*                               | 5'     | 0.46' <sup>(E,C)</sup> | <b>0.46' <sup>(V,C)</sup></b> |
| Maximum Building Height                                  | 36'    | 21.5'                  | 21.5'                         |
| Maximum Building Coverage                                | 35%    | 21.83%                 | 21.83%                        |
| Maximum Lot Coverage                                     | 80%    | 86.1% <sup>(E)</sup>   | <b>90% <sup>(V)</sup></b>     |
| Floor Area Ratio   | 0.65   | 0.30                   | 0.30                          |
| Open Space Area per Section 21-91.A.4.b of the Ordinance | 300 SF | 250 SF <sup>(E)</sup>  | <b>250 SF <sup>(V)</sup></b>  |

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

\*Section 21-91.A.4.a of the Ordinance indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.

3. In accordance with Section VII of the Central Business District Redevelopment Plan regarding C-RO-2 Zone criteria, existing/proposed bulk deficiencies are noted as follows:

| C-RO-2 Zone  | Required | Existing  | Proposed  |
|--|----------|-----------|-----------|
| Minimum Lot Size                                   | NA       | 18,000 SF | 18,000 SF |
| Minimum Lot Frontage – Bay Avenue (County Route 8) | NA       | 120'      | 120'      |
| Minimum Lot Frontage – Cornwall Street             | NA       | 120'      | 120'      |





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|   |        |                        |                               |
|---|--------|------------------------|-------------------------------|
| Minimum Lot Depth – Bay Avenue (County Route 8)               | NA     | 149.9'                 | 149.9'                        |
| Minimum Lot Depth – Cornwall Street                           | NA     | 149.9'                 | 149.9'                        |
| Minimum Front Yard Setback – Bay Avenue (County Route 8)      | 2'     | 6'                     | 6'                            |
| Minimum Front Yard Setback – Cornwall Street                  | 2'     | 49'                    | 49'                           |
| Minimum Rear Yard Setback                                     | 12'    | NA                     | NA                            |
| Minimum Side Yard Setback*                                    | 5'     | 0.46' <sup>(E,C)</sup> | <b>0.46'</b> <sup>(V,C)</sup> |
| Maximum Building Height**                                     | 40'    | 21.5'                  | 21.5'                         |
| Maximum Building Coverage                                     | 80%    | 21.83%                 | 21.83%                        |
| Maximum Lot Coverage  | 80%    | 86.1% <sup>(E)</sup>   | <b>90%</b> <sup>(V)</sup>     |
| Floor Area Ratio  | NA     | 0.30                   | 0.30                          |
| Open Space Area per Section VII of the CBD Redevelopment Plan | 200 SF | 250 SF <sup>(E)</sup>  | 250 SF                        |

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

\*Section VII.A of the Central Business District Redevelopment Plan indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.



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4. Although cannabis retail is a conditionally permitted use in the CBD Zone, the development does not meet the following requirements of Section 21-97.M of the Ordinance:
  - a. Section 21-97.M of the Ordinance permits one (1) cannabis retailer in the CBD Zone provided that applicable Article XI Design Standards are met, whereas the applicant does not meet several applicable design standards.
  - b. Section 21-97.M of the Ordinance prohibits a cannabis retailer from being located within 1,000 feet of any school. The subject property is adjacent to New Life Christian Church which may host “Sunday School” sessions. The Board should determine if this qualifies as a school and whether any potential restrictions should be placed on Sunday hours of operations.

**Since all of the conditional use requirements have not been fully demonstrated, a “d(3)” use variance may be required. As noted below, the deficiencies related to the design standards appear to be curable by the applicant, which could eliminate the need for a d(3) conditional use variance.**

5. The following design waivers are required:
  - a. Section 21-65.10A of the Ordinance indicates that all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped, and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided as part of this application. **The plans have been revised to include landscaping throughout the site. The Board shall determine whether the landscaping provided is sufficient.**
  - b. Section 21-65.10.C.1 of the Ordinance indicates that in non-residential zones landscape plans shall specify the location of the planting material, their minimum size at time of planting and size at full growth, quantity, variety, species (common name) and method of planting. **The plans have been revised to include landscaping throughout the site. The plans shall be revised to include a Landscaping Schedule identifying the planting information above.**
  - c. Section 21-65.10.C.2 of the Ordinance indicates that in non-residential zones a minimum of 10% of the area of the site shall be landscaped. No landscaping has been provided as



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part of this application. **The plans have been revised to include a minimum of 10% area landscaping throughout the site.**

- d. Section 21-65.11 of the Ordinance speaks to lighting requirements for drives, aisles, and parking areas. The applicant did not provide any explicit lighting evaluation nor documentation of compliance with the Ordinance standards. **The Colored Rendering Exhibit notes the applicant's intent to fully comply with the lighting standards of the Ordinance.**
6. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
  - a. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
  - b. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
7. If ultimately necessary, in order for the Board to approve a "d(3)" variance, the applicant must satisfy the following:

With respect to the "positive criteria", our courts have held that applicants seeking a conditional use variance must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the Ordinance established to address those problems. This leaves the Board to focus on the *particular suitability* of the site



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in accommodating the use despite its failure to meet the conditions. The Board shall consider whether there are particular features of the site that lessen or entirely offset the failure to meet the Ordinance conditions and then whether there are conditions that the Board could require that would offset the failure.

With respect to the “negative criteria”, the applicant shall demonstrate that the variance can be granted without substantial detriment to the public good. The focus here should be on the impact of the proposed use variance on adjacent properties and a determination of whether or not it will cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good.

Additionally, the applicant shall demonstrate that the grant of the variance for this specific project at the designated site is reconcilable with the Borough’s legislative determination that the condition should be imposed on all conditional uses in that zoning district, such that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

### **C. Site Requirements & Layout**

1. The applicant does not propose any off-site improvements as part of this application. The plans shall be revised to show an existing conditions plan including off-site features such as driveway apron, curbing, and roadway limits. Should any driveway apron be required to be constructed or reconstructed the plans shall be revised to reflect this.
2. The property in question is 18,000 square feet in size and is currently a developed lot with a two-story, 3,980 square feet footprint, mixed-use building containing vacant retail space on the first floor and two (2) one-bedroom apartments on the second floor. The applicant proposes to convert the first floor of the mixed-use building into a 3,980 square feet cannabis retail store while maintaining the existing second floor residential apartment space.
3. The applicant has submitted two site plans with the same date. The applicant shall clarify which site plan is proposed at this time. **A revised plan and exhibit have been provided clarifying the proposed site layout.**
4. The two (2) site plans show the following circulation patterns:



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- a. Site Plan A's site circulation includes two (2) driveway entrances; one on Bay Avenue (County Route 8) and one on South Second Street. The driveways allow ingress and egress, with two-way circulation around the site. **The revised plans maintain this circulation pattern and clarifies that the entrance on South Second Street is for emergency usage.**
  - b. Site Plan B's site circulation includes one (1) driveway entrance on Bay Avenue (County Route 8). The driveway allows ingress and egress, with two-way circulation around the site. **This site plan is no longer applicable.**
5. Under the CBD Zone, for the cannabis retail use, Section 21-65.14.D.7a.2 of the Ordinance requires one (1) off-street parking space per 600 square feet of retail store gross floor area. For the residential use, Table 4.4 of N.J.A.C. Section 5:21-4.14 of R.S.I.S. requires 1.8 off-street parking spaces per one-bedroom garden apartment. The following is a summary of the required off-street parking spaces:

|                        |                             |            |                   |
|------------------------|-----------------------------|------------|-------------------|
| Cannabis Retail:       | 1 space/300 SF (over 1,000) | @ 2,980 SF | 9.9 spaces        |
| One-Bedroom Apartment: | 1.8 spaces per unit         | @ 2 units  | <u>3.6 spaces</u> |

Total Required Spaces: 14 spaces

A total of 14 parking spaces are required per CBD Zone criteria, **whereas 29 parking spaces are proposed.** The applicant shall provide testimony on the anticipated parking demand and adequacy of the proposed number of parking spaces.

6. Table 208.2 of the 2010 ADA standards indicates that 2 ADA accessible parking spaces are to be provided when there are between 26 and 50 parking spaces, whereas four (4) ADA accessible parking spaces are provided. **It should be noted that the Colored Rendering Exhibit only shows two (2) ADA accessible parking spaces. This discrepancy shall be addressed, and the appropriate plans shall be revised.**
7. The applicant shall provide testimony on whether employee and/or apartment-specific parking spaces will be specified on-site.
8. We recommend that the applicant consider installing bike racks for the potential use of employees and/or customers. **The plans have been revised to include bicycle loops on-site.**



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9. We recommend that the applicant consider upgrading parking spaces and installing electric vehicle (EV) charging stations. The applicant shall provide testimony on compliance with N.J.A.C. 40:55D-66.18 through 21 regarding EV charging stations. **The plans have been revised to include one (1) electric vehicle charging station. The application shall provide testimony on compliance with the above statute and show the charging station equipment on the plans.**
10. The applicant shall provide testimony on truck loading areas required as part of the proposed improvements. Should Site Plan A be utilized, the plans shall be revised to show a gate entry and driveway off of South Second Street. **The plans have been revised to show the loading area and include an emergency access gate along South Second Street.**
11. The applicant shall provide testimony on the staging of trash and receptacles. We recommend trash enclosures be provided. **The plans have been revised to include a trash enclosure within the loading area.**
12. The plans shall be revised to confirm that the proposed security fence complies with Section 21-65.7 of the Ordinance. **There appear to be multiple discrepancies between the fencing proposed shown on the Revised Architectural & Site Plan and the Colored Rendering Exhibit. These discrepancies shall be addressed, and the appropriate plans shall be revised.**
13. Stop signs and stop bars shall be provided at the intersections of the proposed site driveway(s) and adjoining roadway(s).
14. The plans shall be revised to dimension all walkways, parking spaces, and driveway access aisles.
15. The plans shall be revised to clarify whether the existing utility pole on-site in the parking area will be relocated or protected. **Partially addressed. The Revised Architectural & Site Plan and the Colored Rendering Exhibit both show the utility pole being protected through different layouts. This discrepancy shall be addressed, and the appropriate plans shall be revised.**



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16. The applicant shall clarify what repairs are proposed to the parking lot. Based on the existing conditions and proposed site plan it appears that the parking lot will require full depth reconstruction to accommodate the expansion. **The revised plans indicate that the parking lot is to be milled and overlaid with new asphalt pavement. We recommend that base repairs be performed, and full depth pavement be constructed where necessary to expand the parking lot.**
17. The applicant shall clarify whether any concrete curb is proposed between the asphalt parking lot and sidewalk adjoining the building.
18. The plans shall be revised to differentiate between existing conditions to be maintained and proposed conditions. **A survey shall be provided.**
19. It should be noted that should the applicant elect to prepare the application in accordance with the C-RO-2 Zone criteria the application will be subject to all applicable vehicle parking, bicycle parking, buffering, and other redevelopment zone requirements and design standards.
20. **It should be noted that the layouts between the Revised Architectural & Site Plan and the Colored Rendering Exhibit show multiple discrepancies between the bicycle and parking layouts among other site items including but not limited to walkway widths and landscaping limits. These discrepancies shall be addressed, and the appropriate plans shall be revised.**

**D. Traffic Impact**

1. The applicant has not provided a traffic impact report. Though this is an existing site, the property has been vacant for an extended period of time and does not currently see any daily traffic. Additionally, the applicant proposes a change in use to the property and does not currently see daily traffic reflective of this use. The applicant's engineer shall provide testimony on the proposed traffic to be generated, circulation around the site, and whether any additional signage or pavement markings are necessary.
2. In our experience with cannabis retail facilities there is a significant demand for on-site parking and pedestrian queuing along the facility's building and adjacent sidewalks. The applicant shall provide testimony on vehicular and pedestrian queueing expectations, logistics, and layout.



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3. The applicant shall provide testimony as to the frequency and type of trucks that will access the entire site including those providing deliveries and garbage collection.
4. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times, and frequency of refuse pickup.
5. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering, as well as traffic lane markings.
6. **The plans have been revised to show a 3 feet tall masonry wall along the edge of the property between the existing sidewalk and proposed parking area. This may inhibit vehicles entering the site and utilizing the parking spaces along Bay Avenue. The applicant shall provide testimony on site circulation.**
7. **The area of the loading zone is in close proximity to the proposed trash enclosure area. The applicant shall provide testimony on circulation within the loading zone area. A Truck Turning Template may be required.**

**E. Technical Engineering**

1. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a “major development” as defined by NJAC. 7:8, and is not subject to the NJDEP Stormwater Management stormwater quantity, quality and recharge requirements of a major development.
2. The applicant shall provide testimony on existing drainage patterns along with roof leader locations and/or downspout discharge locations and condition.
3. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
4. The applicant shall confirm no sanitary sewer or water utilities will be impacted as a result of the subject application.





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5. The applicant shall provide testimony on the existing fire service water line size and location. We defer to the Borough Fire Official for review.
6. The applicant shall confirm whether a change in use warrants any upgrades in sanitary sewer service or applicable connection fees.
7. A grading plan shall be provided showing existing and proposed contours.
8. Grading information (spot shots) shall be provided for the handicap ramps and ADA accessible parking spaces to confirm compliance with current ADA standards.
9. The applicant shall provide testimony on the existing lighting levels throughout the entire site and compliance with Section 21-65.11 of the Ordinance. A lighting plan showing photometric lighting levels of the proposed features shall be required. **The Colored Rendering Exhibit notes the applicant's intent to fully comply with the lighting standards of the Ordinance.**
10. All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.
11. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. We defer further review to NJDEP.
12. The subject property is located within the "AE" Flood Zone with a Base Flood Elevation (BFE) of 11 feet. The applicant shall specify on the plans the proposed finished floor elevation. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property.  
  
We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
13. The applicant shall provide testimony on proposed flood mitigation measures.



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14. The Building Department should review the architectural plans for ADA compliance.

**F. General**

1. The applicant shall consider all performance standards for the operations of the proposed facility including but not limited to noise, glare, pollutants, and refuse management, and provide testimony on said standards. Specifically, the applicant shall provide testimony on odor control considering the second floor residential apartment space.
2. The applicant shall provide testimony on any proposed signage. All signage shall be indicated on the plans and comply with Section 21-65.19 of the Ordinance.
3. The following construction details shall be provided and comply with the standards of the Borough Ordinance, including but not limited to:
  - a. Asphalt pavement
  - b. Concrete sidewalk
  - c. Driveway apron
  - d. Concrete curb
  - e. Security fencing
  - f. ADA signage
  - g. Striping
  - h. Traffic Signage
4. The applicant shall provide testimony regarding any mechanical equipment proposed, such as A/C units and backup power generators, as well as any requirements for electric and other meters including any required platforms.
5. The applicant has indicated that no exterior renovations are proposed for the building. The applicant shall discuss interior renovations they have proposed.
6. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.



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7. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
8. Testimony shall be provided regarding the proposed uses. The applicant shall be prepared to discuss the following:
  - a. Security and access.
  - b. Hours of operation.
  - c. Number of employees (total and maximum per shift).
  - d. Frequency and type of trucks that will access the site.
  - e. Type of goods to be sold.
9. Approvals or waivers should be obtained from any outside agencies having jurisdiction. These may include, but shall not be limited to, the following:
  - a. New Jersey Department of Environmental Protection
    - i. CAFRA
  - b. Flood Hazard Official
  - c. Township of Middletown Sewerage Authority
  - d. New Jersey American Water
  - e. Borough Fire Official
  - f. Monmouth County Board of Health
  - g. Monmouth County Planning Board



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We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T&M ASSOCIATES

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EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER

EWH:KJO

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)  
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)  
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)  
The Honorable Plant, LLC, Applicant (Thehonorableplant@gmail.com / bdunphy@comcast.net)  
Bay Avenue Ventures, Owner (manderson@nppg.com)  
Edward McKenna, Esq., Applicant's Attorney (yurkow@redbanklaw.com)  
Rathunas, LLC, Applicant's Architect (info@rathunasllc.com)

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