

ND ENGINEERING, LLC

18 Somerset Drive
Belvidere, NJ 07823-2504
908-528-6030

January 14, 2023

VIA EMAIL ONLY

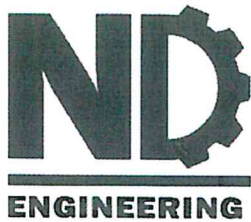
Stephanie Pizzulo, Board Secretary
LAFAYETTE TOWNSHIP LAND USE BOARD
33 Morris Farm Road
Lafayette, NJ 07848

Re: Initial Completeness and Technical Review
Minor Subdivision Plan Approval
Spearment Capitol LLC
Block 5, Lot 7.03
NDE No. LASL067C1

Dear Stephanie:

I am in receipt of the following documents in support of the above-referenced site plan application:

1. One (1) cover letter prepared by Calli Law, LLC dated January 5, 2023 consisting of two (2) sheets;
2. One (1) copy of a Lafayette Township Land Use Board Universal Application Form, dated January 5, 2023 which included the following forms:
 - a) Form 13 Owner's Authorization For Site Inspection, dated January 5, 2023;
 - b) Form 15 Owner's Certification dated January 3, 2023;
 - c) Form 16 Consent of Owner, dated January 5, 2023;
 - d) Form 17 Disclosure Statement dated January 5, 2023;
 - e) Form 18 Survey Waiver Certification dated January 5, 2023;
 - f) Form 19 Escrow Agreement dated January 5, 2023;
 - g) Form 20 Owner's Disclosure Statement dated January 5, 2023;
 - h) Form 26 Affidavit of Ownership dated January 5, 2023;
 - i) Tax Certification Block 5, Lot 7.03, January 4, 2023;
 - j) Tax Certification Block 5, Lot 9, January 4, 2023;
 - k) Certified Property Owner's List for Lafayette Township, dated December 22, 2022;
 - l) Certified Property Owner's List for Hampton, dated December 21, 2022;
 - m) Copies of application checks;
 - n) Project Narrative undated consisting of one (1) sheet, preparer unknown;
3. One (1) copy of a Limited Development Impact Statement prepared by Dykstra Walker Design Group consisting of six (6) pages dated January 5, 2023;
4. One (1) copy of a Lafayette Township LUB Schedule A Minor Subdivision Checklist dated January 5, 2023;
5. One (1) copy of a Lafayette Township LUB Minor Site Plan Checklist, dated January 5, 2023, prepared by Mark Gimigliano, PE, Dykstra Walker Design Group;
6. One (1) copy of a Resolution of Approval for Element Farms, Memorialized October 28, 2021;
7. One (1) set of plans entitled "Minor Subdivision & Minor Site Plan Spearment Capitol LLC..." dated January 4, 2023, consisting of six (6) sheets, prepared by Dykstra Walker Design Group;



8. One (1) copy of an architectural plan of the existing greenhouse configuration entitled "Grow Facility Lafayette Township" prepared by DDCA Architects, last revision dated January 5, 2023, consisting of four (4) sheets.
9. One (1) copy of a boundary survey entitled "Boundary Survey Plan Township of Hampton Block 3106. Lot 1.04 Township of Lafayette Block 5, Lot 9...." prepared by Dykstra Walker Design Group, dated December 21, 2022, consisting of one (1) sheet;
10. One (1) copy of a boundary survey entitled "Boundary Survey Plan Township of Hampton Block 3106. Lot 1 Township of Lafayette Block 5, Lot 7.03...." prepared by Dykstra Walker Design Group, dated June 14, 2019, consisting of two (2) sheets.

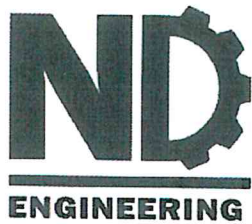
PROJECT SUMMARY

This Minor Subdivision application is a bifurcation with an application for Minor Site Plan to operate a cannabis growing and processing operation at the existing greenhouse complex which is located on Block 5, Lot 7.03 which is currently in the R-5.0 Zone. The existing operation consists of 67,000 square feet of greenhouse and a 5,750 square foot storage building. In addition, there is a single-family dwelling located on the property. The property in question consists of 21.6± acres in Lafayette Township and has its access driveway from Hampton House Road (State Highway Route 206) through a co-joined 1.3 acre parcel located in Hampton Township. It should be of note, the existing topography effectively screens the entire greenhouse operation from State Highway Route 206. The submitted Site Plan Application proposes to operate a cannabis growing and processing operation within the existing greenhouses and manufacturing building with only minor modifications to the existing site improvements.

According to §13-8B.7.a the change in Commercial Use requires a 100' setback from any property line that abuts a residential zone. The current minor subdivision application is considered a lot line adjustment to add an additional section of property from Lot 9 to Lot 7.03 which increases the sideyard setback to comply with the required 100' setback as stated above and yields a proposed lot area of 22.728 acres. It should be of note, the only portion of the adjacent lot proposed to be acquired and is the subject of this application, is completely within Lafayette Township. No portion of the lot line adjustment is located within Hampton Township.

For the benefit of any new Board members, I offer the following historical information related to this site. In conjunction with a request from a previous applicant (not this applicant) there was a proposal to develop a Cannabis operation on this property, specifically named "Med Room". Subsequently, the Township passed Ordinance 2018-18 which created the Cannabis Growing, Production and Manufacturing, within the R-5.0 Zone. It was proposed, at that time, that there would be Cannabis Growing at this location.

A relatively recent application was approved in September 2021 and memorialized by this Board on October 28, 2021 to expand the greenhouse facility by construction of 112,778 square-feet of greenhouses and other improvements to the property as a vegetable greenhouse growing facility only.



INITIAL COMPLETENESS MINOR SUBDIVISION

Minor Subdivision Checklist A has been submitted in support of the application. I have performed an initial review of Checklist A and I offer the following comments:

1. I ask that the LUB Secretary confirm that Checklist Item No's: 1, 2 and 3 have been submitted. In addition, confirmation will be needed to verify that the public notice was extended to all interested parties in the Township of Hampton.
2. In my opinion, the following checklist items do not apply to this application: Checklist Item No's: 33, 40, 41, 42f, 42g, 43, 44, 45, and 46.
3. Checklist Item No 37: This Checklist Item requires that critical areas be calculated for the property. The applicant has requested a waiver from this Checklist Item. I take no exception to granting a waiver from this Checklist Item.
4. Checklist Item No 39: This Checklist Item requires the location of all wetlands and buffers from same on the plans. The lot line adjustment would not be affected by the location of wetlands on the plans. Therefore, I take no exception to granting a waiver from this Checklist Item as requested by the applicant.
5. Checklist Item No 47: This Checklist Item requires the submission of a reduced plan size to match the plan scale of the Township tax maps. Given the relatively simple shift in the property line, I take no exception to granting waiver from this Checklist Item as requested.
6. Checklist Item No 28: This Checklist Item requires the submission of proposed deeds for the individual lots in question. The applicant has not supplied this documentation however, I take no exception to granting a temporary waiver from this Checklist Item for completeness only.

COMPLETENESS RECOMMENDATION

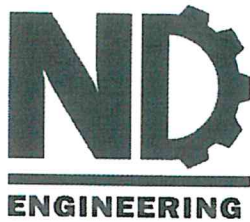
In summary of my above comments the Board may consider the following waivers for a consideration of a completeness determination:

Schedule A Waivers: Checklist Item No's 37, 39 and 47

Schedule A Temporary Waiver: Checklist Item No 28

If the Board grants the above-referenced waivers and if the LUB Secretary verifies all documentation as reference in comment 1 above is satisfactory, it would be my recommendation that the Board deem the application complete.

In an effort to move the application forward, I have prepared a technical review of the application. Accordingly, I offer the following comments.



INITIAL TECHNICAL REVIEW MINOR SUBDIVISION

1. As a result of the my review of the application, the proposed lot line adjustment would add sideyard width to Lot 7.03 which contains an area of 1.087 acres. This area would increases the size of the Lot 7.03 to an area of 22.728 acres however Lot 9 would still have more than enough area to comply with the R-5.0 Zone at 19.525 acres.
2. With the additional sideyard setback, the Site Plan Application will have satisfied the required 100' buffer requirements from the proposed commercial operation and the R-5.0 residential zone.
3. According to my review, all setbacks for proposed lot 7.03 would conform to the R-5.0 residential bulk requirements of the zone.
4. This application must be submitted to the Sussex Planning Board for consideration and any action by the Board must be forwarded to the Township.
5. Should this application receive favorable consideration by the Board, the new deeds for the two (2) reconfigured lots must be forwarded to this office and the LUB attorney for review and approval prior to filing of same.
6. The applicant shall be required to retain a positive escrow balance with the Township to cover any professional's fees related to this application.

I trust this report is satisfactory. Should you have any questions, please contact me at the office.

Sincerely,

ND Engineering, LLC

A handwritten signature in black ink that reads "Nevitt Duveneck". The signature is written in a cursive, flowing style.

Nevitt S. Duveneck, PE, CME
Land Use Board Engineer

- C: Land Use Board Members (distributed by LUB Secretary)
 Ursula Leo, Esq., Land Use Board Attorney (via email only)
 David Banisch, PP, Lafayette LUB Planner (via email only)
 Lawrence Calli, Esq. (via email only)
 Spearmint Capitol, LLC (via email only)
 Mark Gimigliano, PE, (via email only)
 DDCA Architects, (via email only)