

Township of Logan

125 Main Street
P.O. Box 314
Bridgeport, NJ 08014-0314



856-467-3424
Fax: 856-467-1061

January 30, 2025

Brian Breslin

VIA: Email: opra+request-71331-b9d61f7e@requests.opramachine.com

RE: OPRA #31-2025
Zoning Board Application Sinsemilla Labs, LLC

Dear Mr. Breslin,

As the Official Records Custodian for Logan Township, I received your Open Public Records Act (OPRA) request on January 30, 2025. As such, the seven (7) business day deadline to respond to your request is February 10, 2025. This response to your request is being provided to you on the same business day of the Township's Records Custodian's receipt of said request.

The following record is provided in its entirety and responsive to your request:

1. Zoning Board Resolution, 9 pages

If your request for access to a government record has been denied or unfilled within the (7) business days required by law, you have a right to challenge the decision by Logan Township to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Counsel (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc.

Sincerely,

Heather Williams

Heather Williams, CMR
Deputy Clerk on behalf of
Ashley Garozzo, RMC, CMR
Municipal Clerk
Records Custodian

Heather Williams

#31-2025
Rec'd 1/30/25

From: Ashley Garozzo
Sent: Thursday, January 30, 2025 8:04 AM
To: Heather Williams
Subject: Fw: [External] OPRA request - Zoning Board Application

Ashley Garozzo, RMC, CMR
Municipal Clerk
Registrar of Vital Statistics
Logan Township
125 Main Street-PO Box 314
Bridgeport, NJ 08014
[856-467-3424](tel:856-467-3424) x 6
[856-467-1061](tel:856-467-1061) Fax



From: Brian Breslin <opra+request-71331-b9d61f7e@requests.opramachine.com>
Sent: Wednesday, January 29, 2025 7:47 PM
To: Ashley Garozzo <agarozzo@logan-twp.org>
Subject: [External] OPRA request - Zoning Board Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Logan Township,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-6(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested: Copy of Zone Board application for Sinsemilla Labs, LLC

My preferred delivery method for response(s) to this request is by E-mail as attachments. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Yours faithfully,

Brian Breslin

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-71331-b9d61f7e@requests.opramachine.com

Is agarozzo@logan-twp.org the wrong address for OPRA requests to Logan Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=logan_township

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opremachine.com/request/zoning_board_application_4

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAmachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."

Resolution No.: 21-2022

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF LOGAN, COUNTY OF GLOUCESTER, STATE OF NEW
JERSEY, GRANTING APPROVAL OF A “d” USE VARIANCE FOR THE
PROCESSING OF HEMP AND A CLASS II CANNABIS PROCESSING
FACILITY TO SINSEMILLA LABS, LLC, REGARDING PROPERTY
LOCATED AT 618 HERON DRIVE, AND BEING FURTHER SHOWN AS
BLOCK 1603, LOT 21, ON THE TAX MAPS OF THE TOWNSHIP OF LOGAN,
APPLICATION NO.: 11-22Z**

WHEREAS, Application No.: 11-22Z (the “Application”) was submitted before the Zoning Board of Adjustment of the Township of Logan, County of Gloucester, State of New Jersey (the “Board”) by Sinsemilla Labs, LLC (the “Applicant”) for approval of a “d” use variance for the processing of hemp and a Class II cannabis processing facility regarding property located at 618 Heron Drive, (the “Subject Property”) and being further shown as Block 1603, Lot 21 on the Tax Maps of the Township of Logan (the “Township”); and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on November 14, 2022, at 7:00 P.M., time prevailing, at which time were the following present on behalf of the Applicant: James P. Pierson, Esq., Angelini, Viniar & Freedman, LLP, 106 N. Broadway, Woodbury, N.J. 08096 (the Applicant’s attorney); Teal Jefferis, P.E., C.M.E., Jefferis Engineering Associates, LLC, 801 Orchard Avenue, Runnemede, N.J. 08078 (the Applicant’s engineer); J. Timothy Kernan, P.E., P.E., C.M.E., Colliers Engineering & Design, 500 Scarborough Drive, Suite 108, Egg Harbor Township, N.J. 08234 (the Applicant’s Professional Planner); and Richard Trout, 914 Twyckenham Rd., Media, PA 19063, the majority owner of Sinsemilla Labs, LLC (testifying as a fact witness); and

WHEREAS, Messrs. Jefferis and Kernan entered into the record their professional backgrounds, education, licensing and experience, after which, without objection, were they both stipulated by the Board as experts in their respective fields of engineering and planning and, as such, were qualified to testify as experts in their respective fields on behalf of the Applicant for the purposes of the present Application, after which were Messrs. Jefferis, Kernan, and Trout sworn as to any testimony that they would give on behalf of the Applicant for the purposes of the Application;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Logan, County of Gloucester, State of New Jersey as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete by the Board's Engineer and Planner, subject to the Board's concurrence with same. As such, the Board had jurisdiction to act on the Application.

2. The Board's professional engineer and professional planner, Uzo Ahirakwe, P.E., P.P., P.L.S., CME, Tochi Consulting Engineers, 542 Berlin-Cross Keys Road, Suite 3-267, Sicklerville, New Jersey 08081-4367, was sworn as to any and all testimony that he would give on behalf of the Board with respect to the Application before the Board.

3. The Applicant is Sinsemilla Labs, 993 Lenox Drive, Lawrenceville, N.J. 08648.

4. The Owner of the Subject Property is T5 Associates, LLC, 617 Heron Drive, Swedesboro, N.J. 08085

5. The Applicant and the Board submitted various documents that were entered into the record by the Board, as follows:

A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Notice of Public Hearing, Certified List of Property Owners within 200 ft. of the Subject Property, Certification of Taxes Paid, Affidavit of Service, Affidavit of Publication, Site Inspection Consent, and Submission Checklists.

B. Letter dated September 5, 2022 from Uzo Ahirakwe, P.E., P.P., P.L.S., C.M.E. Tochi Consulting Engineers, (the Board's professional Engineer and Planner), regarding Mr. Ahirakwe's review of the Application.

C. Letter dated August 29, 2022 to the Board from Scott D. Oatman, Municipal Fire Chief and Fire Marshal, regarding his review of the Application.

6. The variance plan consisting of two (2) sheets entitled "Use Variance Exhibit Plan, Sinsemilla Labs, LLC, Proposed Class II Cannabis Processing Facility, Tax Map Sheet 16, Block 1603, Lot 21, 618 Heron Drive, Township of Logan, Gloucester County, New Jersey" was prepared, signed, and sealed by Teal S. Jefferis, P.E., C.M.E., Jefferis Engineering Associates, LLC, 801 Orchard Avenue, Runnemede, NJ 08078. The variance plan has a date of June 7, 2022, with revision issued for permitting dated July 13, 2022.

7. The "Plan Of Boundary & Topographical Survey" consisting of one (1) sheet was prepared, signed, and sealed by Donald C. Pennell, PLS, Pennell Land Surveying, Inc., 327 Clems Run, Mullica Hill, NJ 08062. The plan has a date of June 6, 2022.

8. The architectural elevation and floor plans were prepared, signed, and sealed by Kimberly Dechen, TK Studio, LLC, 262 Mullica Hill, NJ 08062. The plans have a date of July 21, 2022.

9. The Zoning requirements related to the Application are as follows:

A. The Applicant's proposed use is not specifically permitted or listed as a permitted principal use in the Light Industrial Office District, LIO (Pureland Planned Industrial Development). A Use Variance approval is required pursuant to N.J.S.A. 40:55D-70d(1).

B. A "d(1)" Use Variance approval will be required pursuant to N.J.S.A. 40:55D-70d(1). The Applicant has the burden of demonstrating "Special Reasons" for granting the variances requested and demonstrating that the requested relief can be granted without detriment to the public good and will not impair the intent and purpose of the zone plan and zoning.

C. Area and Bulk Requirements¹:

Code Reference	Item	Required	Proposed Condition	Status
XII.VI.6.1.2	USE	Light Industry/Office	Proposed Class II Cannabis Processing Facility	V
XII.VI.6.1.2. a.2	Minimum Lot Area	2.0 Acres	4.66 Acres	C
XII.VI.6.1.2. a.3	Minimum Lot Frontage	200.00 feet	400.02 feet	C
	Principal Building Setback			
XII.VI.6.1.2. a.6(a)	Minimum Front Yard	50.00 feet	148.60 feet	C
XII.VI.6.1.2. a.6(b)	Minimum Rear Yard	30.00 feet	421.00 feet	C
XII.VI.6.1.2. a.6(b)	Minimum Side Yard	30.00 feet	57.80 feet	C
XII.VI.6.1.2. a.6(b)	Minimum Building Separation	35.00 ft or the average height (24 feet) of the structures, whichever is greater	28.90 feet	P
XII.VI.6.2.7	Maximum Building Height (Stories/Feet)	3 stories/45 feet	1 story/24.00 feet	C
XII.VI.6.1.2. a.5	Maximum Impervious Coverage	75%	31.20%	C
XII.VI.6.1.2. a.4.a	Maximum Floor Area Ratio	0.45	0.11	C
VI.6.1.2.a.6(a)	Setback From Street	50.00 feet	43.66 feet	P

Code Reference	Item	Required	Proposed Condition	Status
	Line. Landscaped Area At The Street Right-Of- Way	25.00 feet	>25.00 feet	

C – Conformance V- Use Variance Required P-Pre-Existing Nonconforming Condition N- To be provided.

Light Industry Office Zone District, LIO-PID approved as part of the Pureland Planned Industrial Development (Logan Township Land Use Ordinance Dated January 15, 1979, Last Revised May 1, 1979

10. Mr. Pierson provided background information on the Application consistent with the above information.

11. Mr. Jefferis testified as to Exhibit A-1: an aerial photograph of the Subject Property and Exhibit A-2, a Zoning Exhibit Plan, both of which were entered into the record.

12. Mr. Jefferis testified as to access and egress to and from the site; the physical facilities; existing conditions on the Subject Property; loading docks; proposed improvements to the Subject Property and the buildings thereon; modifications to parking; a security fence; and access controls for both vehicles and pedestrians.

13. Mr. Jefferis reviewed the exhibits with Board, and pointed out existing and proposed improvements for lighting, security cameras, and landscaping. Mr. Jefferis also testified that currently there are 32 parking spaces, which will be lowered to 28 to accommodate needed improvements, but 28 parking spaces would be more than enough given the limited number of employees. There would be three shifts with three employees per shift for the hemp portion of the business; and there would be 7 employees for one shift from 7 AM – 4 PM to handle Cannabis processing.

14. Mr. Jefferis testified that there would be 2-3 sprinter vans/box trucks per week for Cannabis processing in order to handle the 100 pounds (+/-) of Cannabis processing per day, and one tractor trailer per week and 2-3 sprinter vans per month for the hemp processing.

15. Mr. Kernan testified as to both the “positive” criteria and the “negative” criteria that is required for a use variance to be approved. Mr. Kernan testified that, pursuant to the Municipal Land Use Law (“MLUL”), the Zoning Board of Adjustment has the power to grant a “d-1” or Use Variance as follows: “In particular cases, and for special reasons, to grant a variance to allow departure from regulations... to permit a use or principal structure in a district restricted against such use or principal structure”. N.J.S.A. 40:55D-70(d)(1). In addition, the MLUL provides that:

“No variance or other relief may be granted under the terms of this section,

including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without there being a substantial detriment to the public good, and the use will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance..." N.J.S.A. 40:55D-70(d). To obtain the requested Use Variance approval, the Applicant must first prove the "positive criteria" or "special reasons" for the requested relief. Once that has been done, the Applicant must demonstrate satisfaction of the "negative criteria" for such Use Variance Approval. Both burdens must be satisfied". The manner of satisfying the positive and negative criteria is set forth below.

C. Justification for Relief

The Positive Criteria / Special Reasons.

Mr. Kernan testified that an Applicant seeking a "d" Use Variance must provide that: (1) the proposed use is an inherently beneficial one, or (2) denial of the Use Variance will create an undue hardship, or (3) the proposed site would promote the general welfare and that it is particularly suited for the proposed use. Medici v. BPR Co., 107 N.J. 1 (1987).

Mr. Kernan testified that the Subject Property is particularly well-suited for the geographical location; it is far from an residential developments; and the Subject Property is located in the middle of a large industrial park. The State of New Jersey's approval of the production of cannabis meets the guidelines of N.J.S.A. 40:55D-2.a. by developing lands that will promote the general welfare of New Jersey's citizens.

Mr. Kernan testified that a granting of the requested Use Variance will serve to promote the MLUL's purpose of "[ensuring] that the proposed development /use will provide adequate light, air and open space (N.J.S.A. 40:55D-2.c); development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole (N.J.S.A. 40:55D-2(d)). there will be no impact on the development and general welfare of neighboring municipalities, the county, and the State as a whole.

Mr. Kernan further testified that the proposed use provided sufficient space in an appropriate location (N.J.S.A. 40:55D-2.g); , and that through the use of creative development techniques, a desirable visual environment will result (N.J.S.A. 40:55D-2(i)). Therefore, for all of the reasons stated above, the prooosed use should be approved.

The Negative Criteria

Mr. Kernan testified that, as to the "negative criteria," the Zoning Board must grant a Use Variance without "substantial detriment to the public good" and without "substantially impairing the intent and purpose of the zone plan and zoning ordinance." N.J.S.A. 40:55D-70(d). For the same reasons provided above, it is clear that granting the

requested Use Variance will not substantially impair the intent or purpose of the Ordinance or the MLUL. In fact, the proposed use will serve to further the purpose and intent of the MLUL and the Ordinance by encouraging the development of private activities with the view of lessening the cost of such development and by encouraging the more efficient use of land at an appropriate location. (N.J.S.A. 40:55D-2.m).

Mr. Kernan also testified that, it is clear that the granting of the requested Use Variance will not have any detrimental impact or effect upon neighboring properties.

Mr. Kernan testified that, in addition, because the Subject Property is also located within the Pureland Industrial Complex and is approved as part of the Pureland PID, this allows the Subject Property to be developed and used to serve the general needs of processing hemp and cannabis, which is now permitted by law in the State of New Jersey.

16. The Board's engineer and planner, Uzo Ahirakwe, reviewed with the Applicant and the Board his letter of September 5, 2022.

A. The Applicant should provide testimony to the Board regarding the nature/type of proposed use, and related site improvements approval requested. Testimony should include but not be limited to type of use, time of operation, expected type and number of customers, and vehicles (type and volume).

B. The Applicant should provide the Board a copy of any type of State regulatory permit required for this type of business activity.

C. Comments from the Fire Marshal/Fire Official should be provided by the Applicant.

D. All documents to be recorded must be presented to the Board Solicitor and Engineer for approval prior to recording. Time stamped copies of the document by the County Clerk shall also be presented to the Board Secretary prior to signing of final plans.

E. This is a bifurcated Application for Use Variance Approval only. The plan submitted notes a request for Submission and Design Waivers that would be more appropriate when the Applicant submits an application for Preliminary and Final Site Plan Approval to the Board.

17. The hearing was opened to the public, at which time Michelle Santa Barbara, 32 Birchwood Street, was sworn and provided testimony. Ms. Santa Barbara inquired about the location of the site in relation to houses, and the nature of the manufacturing to take place in the facility. The Applicant's experts responded to her questions. There being no further members of the public wishing to testify, the public portion was closed.

CONCLUSIONS

The Board concludes that the “d” variance requested by the Applicant should be approved based on the Applicant meeting its burden of proof as to meeting both the “Positive” and the “Negative” criteria as has been set forth above.

CONDITIONS

1. The Board presumes that the Applicant’s Application, all maps, Exhibits, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant’s request for relief. In the event that it appears to the Board, on reasonable grounds, that the Application, exhibits, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied on by the Board as they bear on facts that were essential in the granting of the relief requested by the Applicant, the Board may rescind its approval and rehear the Application, either upon the request or application of an interested party, or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

2. At any time after the adoption of this resolution of memorialization, should a party in interest appeal to the Board for an order vacating or modifying any term or conditions as set forth herein, upon the proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the fact(s) at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems to be appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action, as appropriate.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with law.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board’s decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain all approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Attorney, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on this Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or constructions or other activity commencing on the approved project, or any certificate of occupancy being issued.

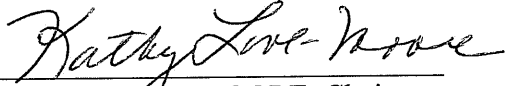
7. The Applicant must obtain any and all other construction or municipal permits, inspections, etc., required with respect to the relief as granted herein, as applicable. The Applicant must also file a Site Plan Application with the Board, consistent with the uses approved herein.

8. The Applicant should note that an escrow and performance bond will be required for any future approval of a Site Plan Application and an estimate separating onsite and offsite improvements shall be submitted and reviewed by the Board's engineer. The inspection escrow should be posted prior to the issuance of building permits.

WHEREUPON, a motion was made by Board member Seelig, which was seconded by Board member Drew, to grant the Applicant approval for its Use Variance application, based on the representations, conditions and agreements made by the Applicant, as requested by the Board, and based on the testimony given by the Applicant and the Applicant's professionals as is further set forth above under Findings of Fact, with the following Board members voting in favor of the motion to grant approval: Love-Moore, Siglow, Drew, Rutch, Seelig, King-Morton and Wurst (Alternate # 1). There were no votes in the negative and no abstentions or recusals. Board member Mojica was absent. The Alternate Member # 2 position remained vacant.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Zoning Board of Adjustment of the Township of Logan, County of Gloucester, State of New Jersey held on December 12, 2022, as a memorialization of the approval granted by the Board to the above referenced Applicant at the Board's regularly scheduled meeting, following a public hearing, held on November 14, 2022.

**LOGAN TOWNSHIP ZONING
BOARD OF ADJUSTMENT**

By: 
KATHY LOVE-MOORE, Chairperson

ATTEST:

By: 
TERRI LEMESEVSKI, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Logan Township Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 12th day of December 2022 at the Logan Township Municipal Building, 125 Main Street, Bridgeport, N.J. 08014 at 7:00 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on November 14, 2022 on the above cited Application.


TERRI LEMESEVSKI, Secretary