

**ADDENDUM TO LAND USE APPLICATION
BEFORE THE ZONING BOARD, TOWNSHIP OF CRANBURY
FOR THE PREMISES LOCATED AT
2 CORPORATE DRIVE, CRANBURY, NEW JERSEY
(BLOCK 2, LOT 3.04).
DATED: December 8, 2023**

(Submitted by Francis J. Brennan, III, Attorney for Applicants)

I. Nature and Scope of Application.

The Applicant, Breakwater Treatment & Wellness, Corp. (hereinafter referred to as “Breakwater”) is seeking any and all variances, exceptions, and waivers necessary, appropriate, or required in order to obtain Site Plan approval for the above Property so that it can be used for all purposes set forth in the Application, this Addendum and the Site Plan. The Property is located at 2 Corporate Drive, and designated as Block 2, Lot 3.04, on the Cranbury Township Tax Map (“Property”). The Property is in the LI – Light Industrial Zone.

Specifically, Breakwater is seeking Preliminary and Final Major Site Plan Approval for the continued use of a trailer on the Property used as an Employee Bio-Security Entrance and for a temporary emergency generator located behind the building occupied by Breakwater. Both the temporary trailer and generator will be removed by Breakwater when it vacates the Property.

Breakwater also seeks a Use Variance for its continued use of the Property to grow and dispense/sell medicinal cannabis. This use was expressly approved by the Township Zoning Officer with a Zoning Permit dated April 29, 2013 (copy attached). The need for this Use Variance is triggered by this Application for the Employee Bio-Security Entrance Trailer and generator as those changes may constitute the expansion of a use prohibited by the Township eight (8) years after the 2013 Zoning Permit was issued.

II. History

Breakwater operates a cannabis grow facility and dispensary at the Property. This use was approved by the Township Zoning Officer in a Zoning Permit dated April 29, 2013. Thereafter, in 2015, the Township Zoning Officer approved a Zoning Permit for a CO2 tank to be installed outside at the rear of the building occupied by Breakwater, see attached. On January 24, 2022, a Zoning Permit for a temporary trailer used as an Employee Entrance was issued by the Township Zoning Officer, see attached. That Permit was issued on an emergency basis as part of the COVID-19 outbreak. That Emergency Permit has now expired.

In 2021, the Township adopted Ordinance No. 06-21-08 prohibiting all classes of cannabis establishments in the municipality. However, that Ordinance expressly states that it does not affect a licensed medical marijuana facility operating pursuant to New Jersey law, which is precisely what Breakwater operates at the Property. Therefore, the Ordinance created an

exception for Breakwater's facility and operations. The Township Zoning Officer has opined that a Use Variance may be required for an expansion of Breakwater's facility with the proposed entrance trailer. Given the exception for existing cannabis facilities set forth in the Ordinance, a Use Variance, in the opinion the Applicant, is not required. However, in the event the Zoning Board determines that a Use Variance is triggered by this Application, then Breakwater requests approval of same.

III. Application Specifics for Temporary Entrance Trailer.

The Applicant is seeking temporary approval for a trailer which has been installed as an alternate temporary entrance for their cultivation staff ("Employee Bio-Security Entrance"). The original purpose of this temporary entrance was to allow Breakwater to physically separate the divisions of employees as a precautionary measure against the potential spread of Covid-19 during the pandemic and to ensure bio-security in its grow facility. Specifically, the trailer provided a protected point of entry outside of the grow facility which evolved into a bio-security entrance. This space provided an area for testing of employees, a changing area for employees from street clothes into clean scrubs, shoes and headgear, and a high-pressure air shower used by the employees before they entered the facility. This temporary entrance protects the biosecurity of Breakwater's crop as it allows those employees who are present in grow rooms to utilize a less trafficked route and undergo additional testing and cleaning steps than those who do not work in the sensitive grow environment. The cultivation staff is particularly vulnerable to bio-security risks if there was a widespread illness because the plants need to be tended to on a daily basis, without fail, whereas other divisions could be shut down if necessary while testing and quarantine occurred. These protective measures have proven successful in keeping Breakwater's grow facility secure and protected from outside contaminants.

While the original purpose of the bio-security entrance trailer continues as Covid-19 remains a threat, Breakwater has determined that the biosecurity measures and protocols undertaken in the trailer are critically important to its operations now and in the future, even if Covid-19 is completely eradicated, given the risk of future public health emergencies, the need to ensure bio-security in its grow facility, and the importance of the continued and uninterrupted delivery of medicinal cannabis to its patients.

IV. Application Specifics for Generator.

As the result of numerous power outages, Breakwater installed a diesel-powered generator (with related improvements) in the paved loading dock at the rear of the existing building. The generator is used to supply emergency power during power outages in the area. Breakwater did not realize when it installed the generator that Site Plan approval was required, but as part of preparing this Application has learned that such approval is needed and therefore seeks same now.

The proposed generator specifications are approximately as follows: the generator is 11' x 21' x 13' in size, weighing 40,000 pounds, rated at 1,000 kw of output, and will produce 1,053-amps. It is powered by diesel fuel. The generator sits on a paved area approximately 23' feet away from the building. The unit is located approximately 285' feet off the road. The generator is not connected to the building. In the event of a power outage, the generator would be hooked

up through the approved connection and started manually.

V. Variances and Exceptions.

A. As set forth in Section I above, a Use Variance is requested if needed to permit the Applicant to obtain the approvals and uses detailed in this Application and all supporting documents. No bulk variances are requested.

B. Applicant also seeks relief from any and all variances, exceptions or waivers which the Board may deem necessary so as to permit the Applicant to obtain approval as proposed on the Plans entitled "Preliminary/Final Major Site Plan" prepared by D. Geoffrey Brown, P.E., License No. 24327, Princeton Junction Engineering PC, dated December 6, 2023, and as set forth in the Applicant's Application, this Addendum and all supporting documents.

C. Finally, Applicant seeks relief from any other Sections of the Land Development Ordinance for the Township of Cranbury to which the conditions or uses currently existing at the Property do not conform.

VI. Waivers Requested and Basis for Waivers.

- 1) With respect to Land Use Application Checklist Item No. 23, requiring General soil types, Applicant requests a waiver of this Checklist Item because no disturbance is proposed.
- 2) With respect to Land Use Application Checklist Item No. 47 requiring a Lighting plan and details, Applicant requests a waiver of this Checklist Item because no changes are requested to the lighting at the Property.
- 3) With respect to Land Use Application Checklist Item No. 48 requiring a Landscape plan and details, Applicant requests a waiver of this Checklist Item because no changes are requested to the landscaping at the Property.
- 4) With respect to Land Use Application Checklist Item No. 53, requiring Road and underground utility cross-sections and profiles, Applicant requests a waiver of this Checklist Item because no new roads are requested.
- 5) With respect to Land Use Application Checklist Item No. 54, requiring a Traffic Impact Statement, Applicant requests a waiver of this Checklist Item because there is no significant change in traffic planned at the location and the Property is in the Light Industrial zone.
- 6) With respect to Land Use Application Checklist Item No. 59, requiring an Environmental Impact Statement, Applicant requests a waiver of this Checklist Item because the proposed development has no negative impact.

VII. List of Maps/ Plans/ Reports.

- Plans entitled “Preliminary/Final Major Site Plan” prepared by D. Geoffrey Brown, P.E., License No. 24327, Princeton Junction Engineering PC, dated December 6, 2023.
- Planner’s Report prepared by Charles Latini, Jr., PA/AICP, Latini & Gleitz, dated December 9, 2023.

**CRANBURY TOWNSHIP
ZONING ACTION**

DATE 4/29/13 ZONE LI ID 2797
BLOCK 2 LOT 3
NAME KERZNER ASSOCIATES
ADDRESS 2 CORPORATE DRIVE
CITY CRANBURY STATE NJ ZIP 08512
PHONE (609) 655-3100 FAX (609) 655-4801
EMAIL skerzner@kerznerassociates.com

PROPOSED ACTION request for occupancy

ZONING STATUS approved

IF YOUR APPLICATION WAS DENIED THE FOLLOWING CRANBURY TOWNSHIP LAND USE ORDINANCE(S) THAT APPLY ARE LISTED BELOW:

- A.
- B.
- C.
- D.
- E.

Should you have any questions regarding the above decision, please do not hesitate to phone Jeffrey K. Graydon, Zoning Officer, (609) 655-0470 Please call between 7:30 p.m. and 10:00 p.m.

This zoning action is neither a Construction Permit or HPAC Approval. It is simply an approval, denial, or interpretation for Zoning. If this action is an approval it may be used as a prior approval for zoning if required by the Construction Official. All applicants for construction permits are directed to the Construction Official for permit procedures. The Cranbury Township Construction Official phone number is (609) 395-0544. All HPAC questions are directed to Linda Scott, HPAC Secretary

If your project was denied zoning approval you may apply for variance relief. Applicants are directed to Joseite Kratz, Cranbury's Zoning and Planning Board's Secretary at (609) 395-0900 EXT 221.
Approval is predicated on Letters and documents From Sandy Kerzner dated 4-24-2013, compliance with 150-84B2, 4-19-2013 Letter from Sandy Kerzner including site plan, key schedule and sketch of fit-out, letter from Sandy Kerzner 4-9-2013 describing use for growing and distribution of licensed medical marijuana. See attached 150-24.1 LI Zone requirements and reference 150-81 Farming each section has bearing on this use.

The Municipal Code is available on line at <http://www.Cranburytownship.org>

**Jeffrey K
Graydon** Digitally signed by Jeffrey K
Graydon
DN: cn=Jeffrey K Graydon,
o=Cranbury Township,
ou=Zoning Officer,
email=jkgraydon@me.com, c=US
Date: 2013.04.29 15:05:45 -05'00'

**CRANBURY TOWNSHIP
ZONING ACTION**

DATE 9/16/15 ZONE LI ID 3161
BLOCK 2 LOT 3
NAME M + P Commercial Group
ADDRESS 2 CORPORATE DRIVE
CITY CRANBURY STATE NJ ZIP 08512
PHONE (631) 678-1485 FAX
EMAIL alexzal@yahoo.com

PROPOSED ACTION request for zoning approval for CO2 storage tank

ZONING STATUS approved

IF YOUR APPLICATION WAS DENIED THE FOLLOWING CRANBURY TOWNSHIP LAND USE ORDINANCE(S) THAT APPLY ARE LISTED BELOW:

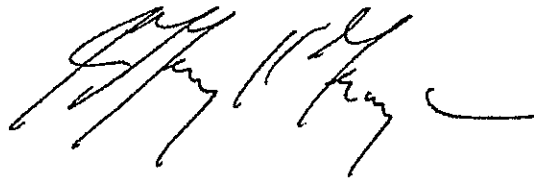
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Approval is predicated on completed zoning permit application, site sketch and photo. The Municipal Code is available on line at <http://www.Cranburytownship.org>





CRANBURY TOWNSHIP

Middlesex County, New Jersey

V13.09 9/20/2021

ZONING PERMIT APPLICATION

Date of Application: _____ Block(s) 2 Lot(s) 3.04 Zone 4B-Industrial ^{LI}

Site Address: 2 Corporate Drive, Cranbury, New Jersey 08512

Existing Use: Single-Family Two-Family Commercial – Specify Dispensary

Proposed Use: Single-Family Two-Family Commercial – Specify Dispensary

Name of Applicant: Breakwater Alternative Treatment Center Corp. Email: james@breakwateratc.com

Applicant's Mailing Address: 2 Corporate Drive, Cranbury, NJ 08512 Phone #: (732) 703-7300

Name of Owner (if different from Applicant): Kerzner Associates Email: skerzner@kerznerassociates.com

Owner's Mailing Address: 4 Corporate Drive, Cranbury, NJ 08512 Phone #: (609) 655-3100

DESCRIPTION OF PROPOSED CONSTRUCTION PROJECT OR USE:

- New Residential/Commercial Building
- Building Addition
- Accessory Building (Shed, Garage, Gazebo)
- Change of Commercial Use/Tenant
- Above/Inground Pool
- Deck/Porch
- Patio/Driveway
- Sign
- Finished Basement/Garage Conversion
- Fence
- Rooftop Solar Panels/Generator
- Other (Specify) Trailer

Provide brief description of the project or use, including dimensions, materials, name of tenant, etc.:
See attached Addendum.

Has the proposed project been subject to prior Zoning or Planning Board approval? No Yes (Approval Date: _____)

I certify that I am the property owner or authorized by the owner to file this application, and the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment, and the permit may be revoked. I hereby give permission for the Zoning Official to come upon and inspect the subject premises with respect to this application.

Applicant's Signature: _____ Date: 01/14/2022

Office Use Only: _____ Date Received: 1/14/22

This is to certify that the above described premises, together with any building thereon, are proposed to be used for as:
temporarily locate an entrance trailer as a measure against
And the proposed project/use is as: the spread of COVID-19, as proposed.

Use/structure permitted by Ordinance Use/structure permitted by Variance approved on: _____
 Use/structure approved as part of ZBA or PB site plan approval, resolution(s) dated: _____ file(s) # _____

Use/structure approved with the following conditions: The permit is valid for 12 months only. Removal of the trailer or permit renewal is required prior to the expiration date - 1/24/2023.

Andrei Alexeev, Zoning Officer: _____ Approval Date: 1/24/2022