



TOWNSHIP OF EWING
LAND DEVELOPMENT APPLICATION

PLANNING BOARD []

APPLICATION NO. PBA-22-003

ZONING BOARD []

DATE OF SUBMISSION 2/16/2022

Filing Fee \$ Receipt or Check No. Received By: KB

DO NOT WRITE ABOVE THIS LINE

1. TYPE OF APPLICATION: (Check as many boxes as applicable)

- Minor Subdivision [] Site plan Prelim. [X] C.40-55D-70A []
Major Sub-Prelim [] Site Plan Final [X] C.40-55D-70B []
Major Sub-Final [] Conditional Use [X] C.40-55D-70C []
C.40-55D-70D []

2. APPLICANT'S NAME Noble Valley Harvest, Company
STREET ADDRESS 404 Mathers Lane TELEPHONE 908-256-6233
CITY AND STATE Neshanic Station, NJ ZIP CODE 08853

3. OWNER'S NAME Ewing Jane Street, LLC
STREET ADDRESS 180 Bull Run Road TELEPHONE 609-882-0083
CITY AND STATE Trenton, NJ ZIP CODE 08601

4. LOCATION
STREET ADDRESS 4 Jane Street TELEPHONE
SECTION No. 109 LOT NO. 165 TAX MAP 5 ZONE DIST. RA 3A

5. DESCRIPTION OF PROPOSED USE:
Brief Description of Application
Renovation of tenant space B&C into NJ CRC Class 1
Medical Cannabis cultivation facility.

6. DEED RESTRICTIONS OR COVENANTS:
NO [] YES [X] Attach copy if yes. ARE TAXES PAID TO DATE: YES [X] NO []

7. ARGUMENTS FOR VARIANCES (IF REQUESTED) TO BE COMPLETED BY APPLICANT:
Under Hardship Consideration:
A variances is requested for Maximum Total Impervious Coverage. The property as it exists today does not conform to this requirement. The proposed improvements will add a small amount of new impervious surface. The additional impervious surface is necessary in order to provide an accessible route to the building, which does not currently exist. This includes a small amount of new concrete sidewalk and a ramp. The second variance being requested is for the minimum distance of an accessory building to the rear lot line. The proposed "processing shed" extends into the rear yard setback by 0.6 feet. The processing shed is necessary in order to prepare the plant waste for disposal. The proposed location of the processing shed does not interfere with the use of this property or the neighboring property to the rear. The third variance is for the required parking. There is only room for 7 parking spaces in the existing parking lot. As 16 total spaces are required, parking for the 9 additional vehicles will be provided in the parking lot across the street through a lease agreement.



8. ZONE REQUIREMENTS

	Lot #	Lot #	Lot #	Lot #	Required	Variance Requested
Front	12.8'				10'-15'	
One Side	8.27/27.16'				5'	
Both Sides	35.43'				10'	
Rear	12.9'				5'	
Other						
Height	24.5'				20'-25'	
Bldg. Coverage	49%				50% max.	
Total Coverage	87%				75% max.	Yes
Parking	7 (on-site)	+9 (off-site)			16 spaces	Yes
Other ACCESSORY BUILDING MIN. DIST. TO REAR LOT LINE	4.4'				5'	Yes
Other						

9. SPECIAL REASONS AND NEGATIVE CRITERIA: (To be completed for "D" variances):

10. REQUESTS FOR WAIVERS: (Reasons)

A waiver is requested from the required landscaping, specifically street trees and foundation plantings. Due to the nature of the proposed use, there are concerns about visibility from a security standpoint and contamination of the plants that will be grown inside the building. Therefore, the proposed landscaping is limited to low ornamental grasses and decorative boulders in mulched planting beds, in the area of the building entrance walkway and sign.

Additional Requested Checklist Waivers: Existing and proposed contours, Location of existing utility structures, Environmental Impact Statement. Because the site is already developed and only minor site improvements are proposed, waivers are requested for these checklist items.

11. PREVIOUS APPEALS OR ACTIVITY:

NO] YES] If yes, Date: _____ Type: _____

Zoning Board Planning Board Approved Disapproved

12. LIST OF INDIVIDUALS WHO PREPARED PLANS:

Engineer ACT Engineers, Inc. (Robert Korkuch) Phone (609) 918-0200

Address 1 Washington Boulevard, Suite 3, Robbinsville, NJ 08691

Planner ACT Engineers, Inc. (Robert Korkuch) Phone _____

Address _____

Lawyer Pinto & Butler Attorneys at Law (Ryan Butler) Phone 609-924-2000

Address 20 Tamarak Circle, Skillman, NJ 08558



13. LIST OF MAPS, REPORTS, TAX AFFIDAVITS AND OTHER MATERIAL ACCOMPANYING APPLICATION

Preliminary and Final Site Plan NVH, ACT Engineers;
Plan of Survey NVH, Trenton Engineering;
Code Summary, Schematic Floor Plan, Exterior Elevations, JPT Architects;
Ewing Twp. Contribution Disclosure Statement;
fw9;
Escrow check #1008 (\$2,500);
USB thumb drive with electronic copy of submission documents

14. ADDITIONAL INFORMATION

Property Owners Statement - permitting the tenant to proceed with the building modifications of tenant space B&C in accordance with JPT Architects PC drawings and the planning board approval. Notarized by the property owner.

Trenton Engineering Plan of Survey of Lot 165 Block 109 Rev 1 dated 2-7-2022. Note No. 10 & 11 indicating the boundary shown of Hereon of lot 165 reflects the vacation of the alley.

IMPORTANT NOTICE TO APPLICANT

Before filing this application or serving notices, inquiry should be made as to the next meeting of the Board. This application must be filed at least 10 days prior to the date set for hearing. At least 10 days prior to the time set for said hearing, applicant shall give personal notice to all owners of property situate within or without the municipality, as shown by the most recent tax lists of the municipality or municipalities whose property or properties shown by said lists are located within 200 feet of the said property to be affected by said appeal. Such notice shall be given by sending written notice thereof by registered or certified mail to the last known address of the property owners, as shown by the most recent tax lists of said municipality or by hand delivering a copy thereof to the said property owners.

Where the owners are partnerships, service upon any partner as above outlined shall be sufficient, and where the owners are corporations, service upon any officer, as above set forth, shall be sufficient.

Applicant agrees to pay all costs related to review and processing of this application. A set of drawings to scale showing all details, adjoining properties affected, and all features involved in the appeal should accompany application of appeal.

Applicant must provide satisfactory evidence of payment of taxes on the property under consideration.

Said applicant shall by AFFIDAVIT present satisfactory proof to the said Board at the time of the hearing that said notices have been duly served as aforesaid.

Corporations appearing before Ewing Township Planning or Zoning Board must be represented by an attorney at law of the State of New Jersey.

Ms. Lisa Grega - PhD, CEO


Applicant's Signature

DECLARATION OF ENVIRONMENTAL RESTRICTIONS

Prepared by:

Robert L. Collings

Robert L. Collings

This Declaration of Environmental Restrictions, made as of the 6th day of December, 1994, by Rhein Chemie Corporation, 1008 Whitehead Road Extension, Trenton, NJ 08638 (together with its successors and assigns, collectively "Owner").

WITNESSETH:

WHEREAS, Owner is the owner in fee simple of certain real property (the "Property") designated as Block 109, Lot 165, on the tax map of the Township of Ewing, Mercer County, more particularly described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy ("Department") has issued a remedial approval on January 7, 1988, in Case #86150, Rhein Chemie Corporation (formerly Wycoxon & Loser), 4 Jane Street concerning the Property in which the Department has approved the use of non-residential soil standards, institutional controls, and/or engineering controls in accordance with P.L. 1993 c. 139 (S.-1070), and

WHEREAS, this Declaration itself is not intended to create any interest in real estate in favor of the Department, nor to create a lien or encumbrance against the Property, but merely is intended to reflect the regulatory and statutory obligations imposed as a condition of using non-residential standards; and

WHEREAS, the areas described on Exhibit B attached hereto and made a part hereof (the "Affected Areas") contain contaminants;

WHEREAS, the type, concentration and specific location of the contaminants are described on one or more diagrams, maps and/or tables on Exhibit B attached hereto and made a part hereof; and

WHEREAS, to prevent the potential for migration of the contaminants and unacceptable risk of exposure to the contamination to humans or the environment, Owner has placed an impermeable asphalt surface cover at the Property, at the

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locations shown on Exhibit B; and

WHEREAS, in accordance with the remedial approval, and in consideration of the terms and conditions of the remedial approval, and receipt of final approval, and other good and valuable consideration Owner has agreed to subject the property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, and to restrict certain activities at the Property, as set forth below; and

WHEREAS, Owner intends to notify all interested parties that such regulatory and statutory restrictions shall be binding upon and enforceable against Owner and Owner's successors and assigns while such own and/or operate at the Property, and to provide notice in accordance with N.J. Public Laws 1993, c. 139, section 36.

NOW, THEREFORE, Owner agrees to be subject to the regulatory and statutory requirements applicable to those who seek to remediate property to non-residential standards and hereby notifies all interested parties, Owners, and operators that the applicable regulations and statutes require of Owner and operators while owning or operating the Property as follows:

1. Restricted Uses. Owner, and all Operators of such portions of the Property, shall not allow any of the following uses of the following portions of the Property:

Portion of the Property

The Affected Areas as identified in Exhibit B.

Restricted Use

The Affected Areas depicted or identified on Exhibit B will be restricted to nonresidential use.

The use of Affected Areas shall also be restricted pursuant to Paragraphs 2 and 3.

Maintenance of asphalt surface cover over area indicated on Exhibit B. Such maintenance shall include annual inspections of the integrity of the asphalt surface with appropriate replacement or sealing of the asphalt cover as needed.

2. Emergencies. In the event of an emergency which presents a significant risk to human health, safety or the environment, the

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application of Paragraph 1 above may be unilaterally suspended, by Owner, provided the Owner:

- i. Immediately notifies the Department of the emergency;
- ii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- iii. Implements all measures necessary to limit actual or potential present or future risk of exposure to the residual contamination to humans or the environment; and
- iv. Implements restoration of the Affected Areas to the pre-emergency conditions to the extent reasonably possible, and provides a report to the Department of such emergency efforts.

3. Alterations, Improvements, and Disturbances. Owner and operators shall not make, nor allow to be made, any alteration, improvement, or disturbance in, to, or about the Affected Areas which creates an unacceptable risk of exposure to contamination in the Affected Areas to humans or the environment, or results in a disturbance of any engineering control designed to contain or reduce exposure to the contaminants, without first obtaining the express written consent of the Department, which consent shall be given or withheld at the reasonable discretion of Department. Nothing herein shall constitute a waiver of the Owners obligation to comply with all applicable laws and regulations.

Express written consent of the Department is not required for alteration, improvement, or disturbance that meets the following:

- provides for restoration of any disturbance of an engineering control to pre disturbance conditions within sixty days,
- does not allow an exposure level above those noted under Restricted Uses, provided that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance

4. Notice to Lessees and Other Holders of Property Interests.

(a) Owner shall cause all leases, grants, and other written transfers of interest by the Owner in the Affected Areas and adjacent to the Affected Areas to contain a provision expressly requiring all holders thereof to take the property subject to the

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use restriction and not to violate any of the conditions of this Declaration of Environmental Restrictions.

(b) Nothing contained in this paragraph 4 shall be construed as limiting any obligation of Owner to provide any notice required by any law, regulation, or order of any governmental authority.

(c) A copy of this Declaration will be kept on file in the Office at the Property.

5. Enforcement of violations. The restrictions provided herein are for the benefit of, and shall be enforceable against any person who knowingly violates this Declaration, solely by the Department. A violation of this Declaration of Environmental Restriction, shall not have an adverse impact on the status of the ownership of and title to the Property. To enforce violations of this Declaration of Environmental Restriction, the Department may initiate an action in Superior Court or as otherwise allowed by law against any person who is in any way responsible for a violation hereof and seek all available remedies, including without limitation, penalties and injunctive relief. Such enforcement proceedings shall not be initiated against past owners or operators who have not violated this Declaration.

6. Severability. If any court or other tribunal determines that any provision of this Declaration is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event that the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this Declaration shall remain in full force and effect.

7. Successors and Assigns. After recording, this Declaration shall be binding upon Owner and upon Owner's successors and assigns, and the Department, its agents, contractors, and employees, and to any other person performing remediation under the direction of the Department.

8. Termination and Modification.

(a) This Declaration shall terminate only upon filing of an instrument in the office of the Clerk/Register of Deeds and Mortgages of Mercer County, New Jersey, executed by the Department and Owner, expressly terminating this Declaration.

(b) Owner may request in writing at any time that the Department modify or terminate this Declaration of Environmental

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Restrictions or execute termination proceedings based on, for example, the owner's proposal that the property does not pose an unacceptable risk to human health or the environment. Within 90 calendar days after receiving the request the Department shall either:

- i. execute the termination or modification Declaration; or
- ii. issue a draft notice of intent to deny.

The Department shall set forth in a draft notice of intent to deny the request its basis for its decision. The owner can respond to the draft denial by providing new or additional information or data. The Department shall review any such new or additional information and issue a final decision to execute the agreement or deny the request within 60 calendar days of the Department's receipt of the owner's response.

IN WITNESS WHEREOF, Owner has executed this Declaration as of the date first written above.

ATTEST

RHEIN CHEMIE CORPORATION

Susan I. Baer
Susan I. Baer
Secretary and General Counsel
Rhein Chemie Corporation

By: Thomas J. O'Neill
Thomas J. O'Neill
President

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EXHIBIT A

Tax Map

EXHIBIT B

Description of Affected Areas

Contaminant

See Exhibit B

Concentration

See Exhibit B

Location

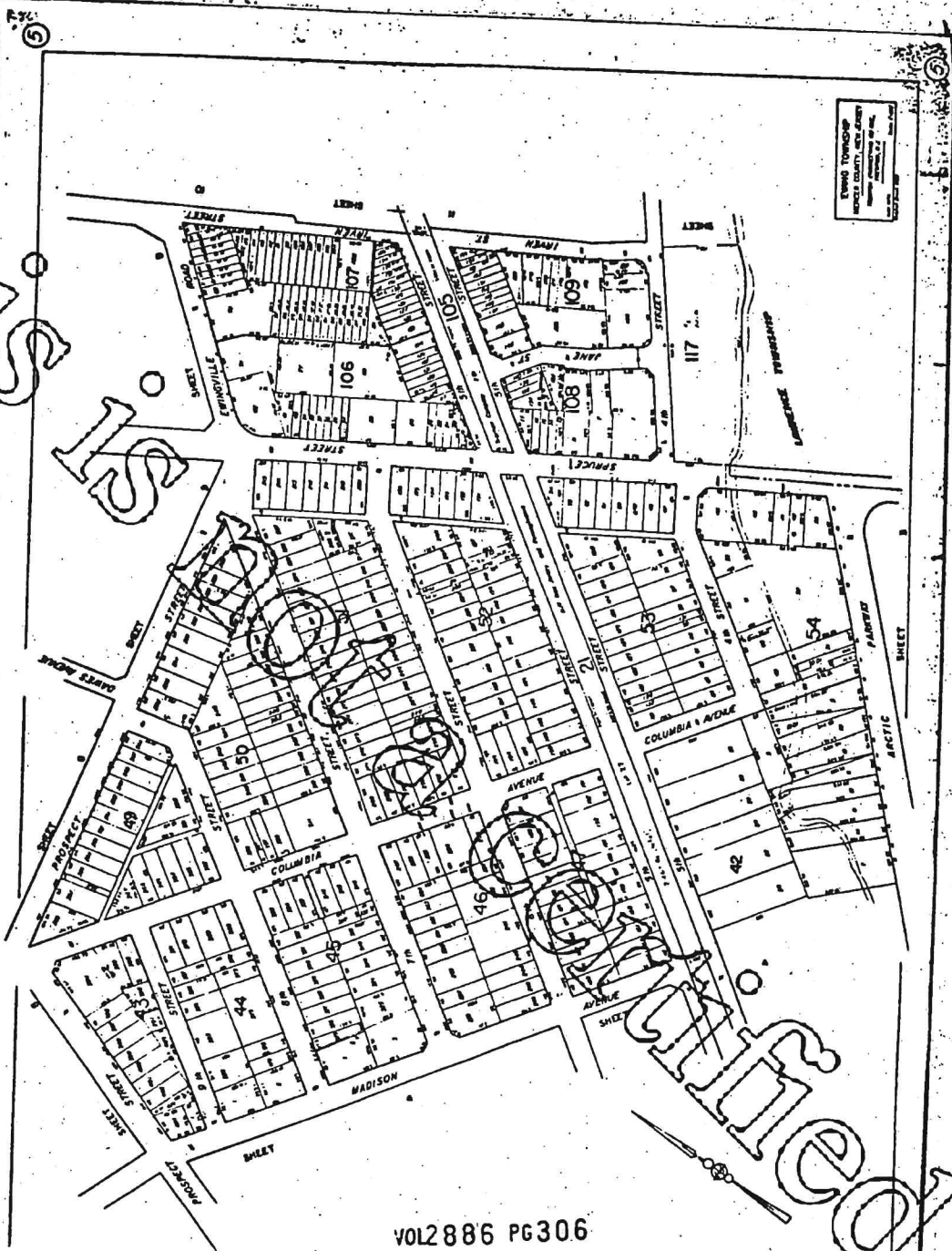
See Exhibit B.

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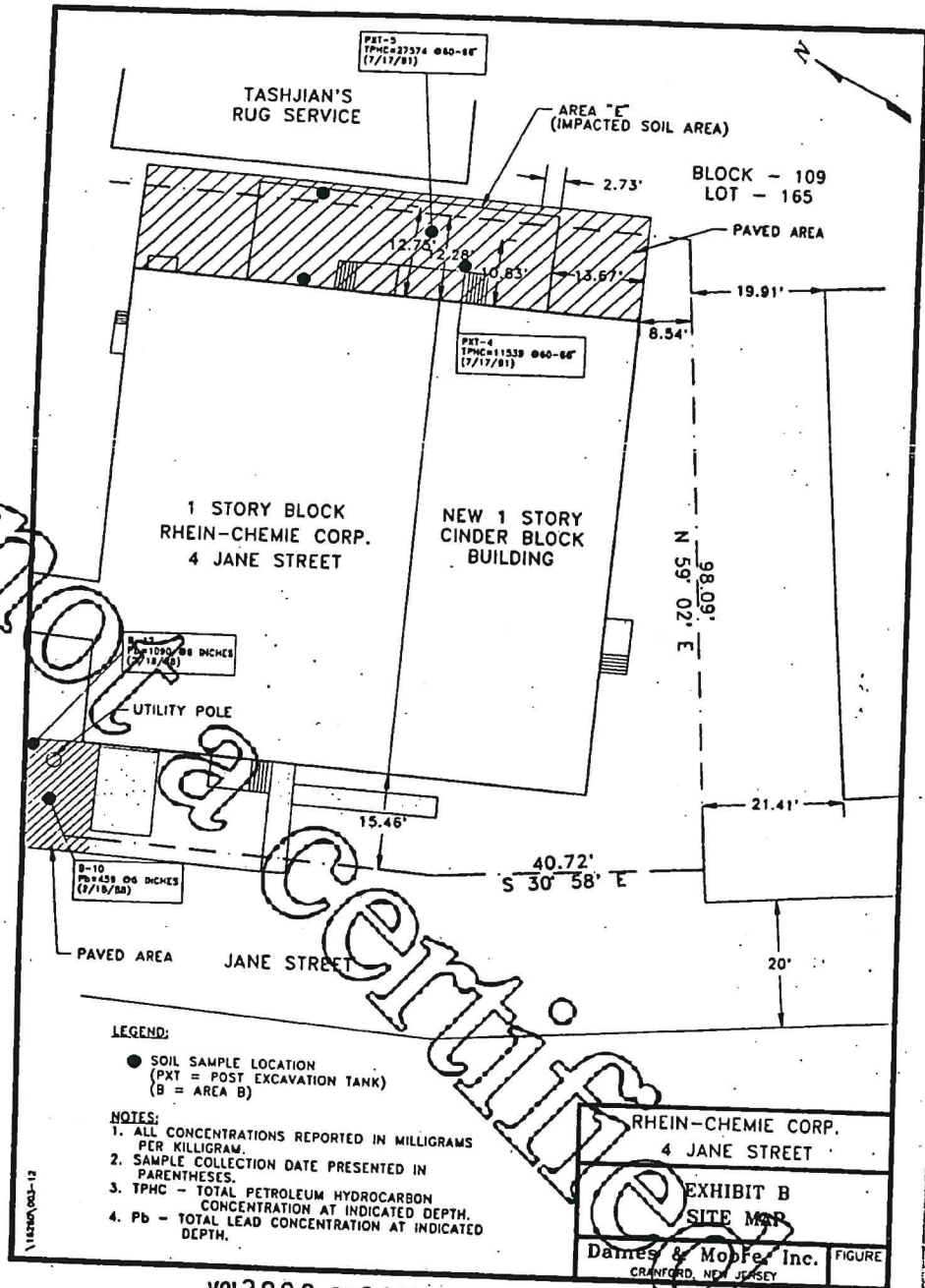
EWING TOWNSHIP
 MAPLE COUNTY, MISSOURI
 PLAT 117
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ALBERT E. DRIVER JR.
COUNTY CLERK

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MERGER COUNTY
CLERKS OFFICE

74R
P.A. Alley
Rhein Chemie Corp
1008 Whitehead Road Ext.
Trenton, NJ 08638

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