

TOWNSHIP OF MAPLE SHADE PLANNING BOARD
RESOLUTION NO.: 2025-PB-08
GRANTING: CONDITIONAL USE APPROVAL, MINOR SITE PLAN APPROVAL
WITH CERTAIN VARIANCES AND CHANGE OF USE APPROVAL
TO FRIENDLY GREENS, LLC
BLOCK 189; LOT 4.02
TAX MAP OF THE TOWNSHIP OF MAPLE SHADE

WHEREAS, Friendly Greens, LLC (the “Applicant”) has made an application to the Planning Board of the Township of Maple Shade (the “Board”) for Conditional Use Approval, Minor Site Plan Approval with certain variances and Change of Use Approval, including (c)(1) variances related to parking buffers where 2.7 feet is existing and 15 feet is required and landscape buffer where 1.6 feet is existing and 5 feet is required, and the size of the by-pass lane drive aisle where 10 feet is existing and 15 feet is required, to permit a change of use of an existing vacant bank building to a cannabis retail store (“Application”) at 380 South Lenola Road, identified on the Township of Maple Shade (the “Township”) Tax Map as Block 189, Lot 4.02 (the “Subject Property”) and located in the Township’s Business Development (“BD”) Zone; and

WHEREAS, prior to the Applicant’s public hearings, the Applicant submitted various plans and documents to the Board, including but not limited to, the Application; a Cover Sheet, Minor Site Plan, Grading & Utility Plan, Landscape and Lighting Plan, Vehicle Circulation Plan, Construction Details, Architectural Drawings, Survey, and Traffic and Parking Analysis Letter (collectively, the “Application Materials”); and

WHEREAS, public notice of the Applicant’s July 23, 2025 hearing was provided in accordance with the requirements of the Municipal Land Use Law (“MLUL”). N.J.S.A. 40:55D-12; and

WHEREAS, at the July 23, 2025 regular Board meeting, the Applicant appeared with the Applicant's attorney Cheryl Lynn Walters, Esq. ("Ms. Walters"), its engineer Brian Atkins, PE ("Mr. Atkins"), its representative Russell Kuchta ("Mr. Kuchta"), its traffic engineer Nathan B. Mosley, PE ("Mr. Mosley"), and its professional planner Stephen Hawk, PP, AICP, ("Mr. Hawk") and each witness was sworn in; and

WHEREAS, Ms. Walters provided a background summary of the Application and the approvals sought by the Applicant and provided a handout of exhibits for use by the Applicant and Board during the hearing, which included the following each of which was marked as noted during the course of the hearing and are incorporated by reference as if set forth fully herein:

- Exhibit A-1 – Witness & Exhibit List;
- Exhibit A-2 – Existing Aerial Plan;
- Exhibit A-3 – Minor Site Plan Rendering;
- Exhibit A-4 – Elevations & Signage Plan;
- Exhibit A-5 – Floor Plan;
- Exhibit A-6 – 250 Foot Proximity Exhibit;
- Exhibit A-7 – Separation Exhibit – Distance to Residential District;
- Exhibit A-8 – Separation Exhibit – Distance to House of Worship;
- Exhibit A-9 – Separation Exhibit – Distance to School;
- Exhibit A-10 – Separation Exhibit – Distance to Child Care Center; and
- Exhibit A-11 – Separation Exhibit – Distance to Public Park; and

WHEREAS, Mr. Atkins was brought forward, sworn in, and admitted as an expert in the field of civil engineering. Mr. Atkins provided testimony regarding the Existing Aerial Plan (Exhibit A-2) to discuss the Subject Property. He testified regarding the location of the Subject Property on Lenola Road. He testified the Subject Property is 2.09 acres, which includes frontage to the middle of Lenola Road, and the practical acreage of the Subject Property is 1.9 acres. He testified there is right-in and right-out access at the main driveway, with existing parking and circulation at the Subject Property. He testified there are currently 18 parking spaces, with one handicapped space, and four striped drive-thru lanes plus a bypass lane. He testified the Subject

Property has existing sidewalk on site, existing lighting and lighting poles and some existing landscaping. He further testified there is a potential preexisting nonconformity related to lot width. Mr. Turek commented that based upon the definition of lot width in the Township Code he did not believe there was a nonconformity. Mr. Atkins further testified regarding the Applicant's Minor Site Plan Rendering (Exhibit A-3). He testified regarding the details of the proposed minor site plan, including the addition of new employee parking spaces in the rear of the site, creation of two make ready EV parking spaces, proposed restriping of parking spaces and addition of a loading area/zone. He testified the Applicant will repair concrete and pavement, as necessary, and reseal the asphalt where appropriate. He testified there is no proposed disturbance to the undeveloped area in the rear of the Subject Property. He testified there are no proposed changes to the existing building footprint. He testified the Applicant will supplement existing landscaping and lighting in coordination with the Township's Engineer. He testified no trash enclosure is proposed, instead the trash will be handled internally in bins that are rolled out and emptied by a private hauler. He testified the Subject Property is currently serviced by public utilities and there are no proposed changes. He testified that the current stormwater runoff flows overland and the rear portion of the Subject Property runs to a bubbler registration lid, which would all be inspected and maintained by the Applicant. He testified this does not qualify as major development for purposes of compliance with DEP stormwater management regulations and the Subject Property is below the impervious coverage maximums in the Township Code. Further, he testified regarding the Elevations and Signage Plan (Exhibit A-4). He testified there is an existing building mounted sign and pole mounted sign. He testified the Applicant seeks to reface the existing signs. He testified the existing signs meet the Township Code requirements; and

WHEREAS, questions were presented related to Mr. Turek's Engineering Review Letter, regarding the width of the bypass lane. Mr. Atkins testified that the existing site was generally two-way circulation until reaching the rear of the building where it became a one-way circulation. He testified the Applicant proposed to have one-way circulation around the site, but following comments from Mr. Turek the Applicant agreed to maintain the current two-way circulation through the parking lot until the drive-through lanes. He confirmed with that concession the site circulation will continue as it has always operated, even with the expansion of parking in the rear for employees; and

WHEREAS, Ms. Walters provided comment regarding the width of the bypass lane and the drive-thru lanes; and

WHEREAS, Mr. Turek questioned the drive-thru lanes and the width of the by-pass lane. Mr. Atkins testified that the existing two-way aisles around the site are 25 feet, and the proposed drive aisle will remain 25 feet with two-way circulation; and

WHEREAS, Vice Chairman Manchello had a question regarding parking as demonstrated on Exhibit A-2. Mr. Atkins testified that currently there is two-way entrance and circulation on the Subject Property, and the Applicant is proposing two-way circulation to the drive-thru lanes. Vice Chairman Manchello questioned whether drivers can make a left into the property and Mr. Atkins responded in the affirmative. Mr. Atkins testified that egress from the Subject Property is right only onto Lenola Road. Further, Vice Chairman Manchello questioned the need of the bypass lane at the drive thru area. Mr. Atkins testified that the Applicant does propose using the drive-thru spaces and testified regarding the need for the bypass lane; and

WHEREAS, Ms. Walters provided comments regarding the Township Cannabis Ordinance including the requirement for face-to-face transactions. She commented that certain

conditions were not included in the conditional use approval standards or transferred into the Zoning Code, including the face-to-face requirement. She contended that jurisdiction over whether video screens in the drive thru meets the face-to-face requirement is retained in the scope of business license review and approval by the Township Governing Body, not the Board. Mr. Turek provided testimony regarding licensure requirements for the Applicant and its proposed cannabis use; and

WHEREAS, the Applicant's Representative Mr. Kuchta was sworn in to provide testimony. Mr. Kuchta testified he is the owner of a cannabis consulting company called Kine Buds and has worked with and invested in many retail cannabis projects across New Jersey. He testified he is familiar with the land use process and the State regulatory process for cannabis license approval. He provided testimony regarding the levels of cannabis use and retail sales. Mr. Kuchta testified regarding the Subject Property and the proposed operations by the Applicant. He testified the proposed hours of operation would be approximately 10:00 a.m. to 9:00 p.m. He testified there would be approximately ten employees and approximately four would be on site at one time. He testified regarding the Floor Plan (Exhibit A-5) for the Subject Property. He testified regarding the specifics of the floor plan and layout. He testified regarding pre-orders and picking up of pre-orders. He testified the customer must be age-verified to pick up a pre-order. He testified regarding point of sale and the transaction process. He testified sales are face to face inside of the Subject Property. He testified regarding pre-order and drive-thru picks up at the Subject Property. He testified regarding the proposed video stream for the pickup of purchases in the drive-thru. He testified regarding the typical customer experience. He testified regarding the State requirements for inventory and sales of cannabis. He testified regarding the proposed loading area, the proposed vehicles and the process for delivering inventory at the Subject Property. Further, he testified

regarding building security, including cameras and security alarm at the Subject Property. He testified regarding the backup system and generator at the Subject Property. He testified there would be one unarmed security member on site at the Subject Property. He testified regarding the process for the destruction of inventory and cannabis products that are recalled or otherwise need to be destroyed. Additionally, he testified regarding trash and disposal at the Subject Property, including the trash amount is similar to a general office use. He testified the cannabis related odor inside of the building would be minimal and it is captured through a filtering process. He testified there is no use of cannabis permitted on the Subject Property and the noise would be minimal. Mr. Kuchta testified there will be video screens in the drive-thru for the pick-up of pre-ordered cannabis products;

WHEREAS, Mr. Turek asked questions regarding the Township Code regarding emergency generators and security systems. Ms. Walters provided comments regarding her understanding of the Township Code. Mr. Turek further asked how is the Applicant proposing to maintain full-time security including the loss of power. Mr. Kuchta testified that other businesses use a small system that lasts for a few hours and ultimately agreed to add a generator to support continuous security monitoring. Ms. Walters commented there is adequate space at the Subject Property for a generator and Mr. Atkins provided testimony to support the adequate space for the location of the generator; and

WHEREAS, Mr. Turek questioned posting signage informing customers that they cannot consume cannabis on the Subject Property; and

WHEREAS, Mr. Kuchta testified regarding Exhibit A-3 and proposed signage at the Subject Property. He testified the building was inspected, including structural integrity. He testified Applicant is not proposing any changes to the exterior of the building except for painting.

He testified Applicant will be changing the face of the building mounted and free-standing signs to reflect the signage demonstrated in Exhibit A-3; and

WHEREAS, Vice Chairman Manchello asked questions regarding site lighting. Mr. Kuchta responded that he has not changed the lighting at the Subject Property; and

WHEREAS, Mr. Mosley was sworn in to provide testimony regarding traffic at the Subject Property and was qualified as an expert in the field of traffic engineering. Mr. Mosley provided testimony that he reviewed the traffic at the Subject Property for the prior use as the bank. He testified that the Applicant is not proposing significant changes to the Subject Property. He testified that the existing driveway permits left and right turn entrance and right only egress. He testified regarding the size of the building at the Subject Property and similar cannabis uses and building size. He testified regarding the methodology for trip generation analysis and the anticipated trips and traffic for the Applicant at the Subject Property. Further, he testified regarding the parking analysis and the 25 proposed parking spaces at the Subject Property. He testified regarding standardized parking studies and the anticipated peak parking demand would be approximately 19 vehicles. He also testified regarding his independent parking analysis performed at a nearby cannabis facility and found that the maximum parking demand was 9 vehicles and would correlate to approximately 10 vehicles for the Subject Property. He testified regarding the proposed circulation at the Subject Property; and

WHEREAS, Mr. Turek provided question and comments regarding the traffic analysis, related to the reinstallation of the stop sign at the egress island. Additionally, it was agreed that the vegetation overhanging the entrance would be cut back. Further, questions were presented regarding the fourth drive-thru lane and the bypass lane, including circulation in that area at the Subject Property. Further, there were questions and comments regarding queuing of cars in the

drive-thru lanes and the passage of emergency vehicles. Mr. Mosley provided testimony regarding the queuing of cars at the Subject Property and the belief the process in the drive-thru would be a quick process. He testified he did not anticipate a significant queue. Ms. Walters commented that the Applicant will keep the fourth lane closed to avoid queuing issues. Mr. Atkins provided testimony regarding the bypass lane and the size of the bypass lane; and

WHEREAS, Mr. Hawk was sworn in and provided his credentials to be accepted as an expert in the field of professional planning. He testified regarding the Subject Property and existing site conditions. He provided testimony regarding the conditional use requirements under the Township Code. He testified that based upon Mr. Kuchta's testimony the Applicant had demonstrated that the proposed cannabis retail store would meet the qualifications for retail cannabis licensure by the Cannabis Regulatory Commission. He testified further regarding the Township resolution of support issued to the Applicant for operation of a cannabis retail store at the Subject Property. He testified regarding the sufficiency of the distance or separation of the Subject Property from certain sensitive land use types identified in the Township Code, including behavioral health facility or residential detox centers, houses of worship, residential use or residential district, schools, childcare centers and public parks and other public buildings. He discussed prior testimony about security, waste disposal, odor control, hours of operation and noise. Further, he testified regarding certain variances including existing deviations from buffer setback requirements, the 10-foot width for one way drive aisles at the by-pass lane and the loading space size. With respect to the variances, he testified that the use of the vacant building promotes the general welfare of the Township and the proposed changes to the site will improve the visual environment. He testified that this development is not out of character with the area and would not impair the purpose and intent of the zoning ordinances.

WHEREAS, the Board Engineer, Frederic J. Turek, PE, PP, CME, introduced and summarized his July 17, 2025 Review Memorandum (“Engineering Review Letter”), incorporated by reference as if set forth fully herein, with the Board, the Applicant, and members of the public, if any, recommending certain revisions, clarifications and/or modifications to the Application, with which the Applicant agreed to comply as a condition of approval except to the extent otherwise identified herein; and

WHEREAS, Mr. Turek specifically discussed issues regarding site lighting, including missing heads and draping of lights. Further, he discussed buffering at the Subject Property and sidewalks. Ms. Walters commented that the Applicant is seeking a waiver of the sidewalk requirements for the Subject Property. Vice Chairman Manchello provided comments regarding public transportation and pedestrian traffic along Lenola Road and his belief that the sidewalk would be a benefit. Ms. Walters commented that the Applicant would agree to install the sidewalk. Mr. Turek continued the review of his Engineering Review Letter including coordination with the Maple Shade Fire Official and the circulation plan for the Subject Property provided by the Applicant. Mr. Turek discussed the width of the buffering, and potential for supplementing existing buffering, including the potential to add fencing around the Subject Property, and the width of the drive aisle, including the need for a variance; and

WHEREAS, the meeting was opened to the public and one member of the public appeared to testify, expressing concerns about the narrow width of the by-pass lane and the ability of fire apparatus to adequately circulate the site; and

WHEREAS, the Board, having heard the testimony presented and considered the Application Materials and evidence submitted, renders the following findings of facts and conclusions of law in addition to those contained in the “WHEREAS” paragraphs set forth above,

which are incorporated by reference herein as further findings of fact and conclusions of law, as follows:

1. The Applicant is Friendly Greens, LLC. The Subject Property is defined as 380 South Lenola Road, identified on the Township Tax Map as Block 189, Lot 4.02, and is located in the BD Zone.
2. The Application requires Conditional Use Approval pursuant to Section 67 of the Municipal Land Use Law, and Minor Site Plan Review and Change of Use approval pursuant to Township Code § 178-18B as a result of the Applicant's intention to change the use of a vacant bank building into a cannabis retail store at the Subject Property.
3. The proposed use of the Subject Property as a cannabis retail store is identified as a conditionally permitted use in the BD Zone. Township Code Section 205-114.
4. Applicant has demonstrated to the satisfaction of the Board that the Application satisfies all of the conditional use standards set forth in Section 205-114(A) through (G) of the Township Code and therefore conditional use approval is appropriate and warranted.
5. The minor site plan requires the previously described variances for existing, non-conforming buffers to property lines, width of the drive thru by-pass lane and undersized loading area as set forth in the Engineering Review Letter.
6. Applicant has provided sufficient testimony and evidence to justify the grant of the required variances; provided, however, Applicant shall coordinate with the Fire Official regarding the width of the by-pass lane as otherwise discussed more fully herein.
7. The meeting was opened to the public for testimony. One member of the public appeared to testify, expressing concerns with the narrow width of the by-pass lane in the drive thru. Applicant has agreed to work with the Fire Official to confirm whether the by-pass lane is wide enough to accommodate the largest fire apparatus. Applicant further agreed that in the event it is determined the by-pass lane is not wide enough, Applicant will revise the minor site plan to remove the fourth drive thru lane and reduce the drive thru overhead canopy to the extent necessary to sufficiently widen the by-pass lane to accommodate the largest fire apparatus.
8. The Board finds pursuant to Township Code §178-18B that a the proposed Minor Site Plan, with the modifications discussed during the hearing and agreed upon by the Applicant as more fully described herein, adequately addresses necessary changes to the site to sufficiently accommodate the proposed cannabis retail store and the Applicant has otherwise presented sufficient evidence and information to allow the Board to determine the Application as proposed meets all applicable Township Code requirements in order to grant change of use approval.

NOW, THEREFORE IT BE RESOLVED, by the Township of Maple Shade Planning Board that based upon the findings of fact and conclusions of law set forth herein, along with the Application Materials, testimony and evidence presented by the Applicant, that the Application of Friendly Greens, LLC seeking the aforementioned relief is hereby **GRANTED** by a vote of nine (9) in favor and zero (0) opposed, upon a motion to grant the requested Conditional Use Approval, Minor Site Plan Approval with certain variances and Change of Use Approval, upon motion duly made by Deputy Mayor Zahradnick and seconded by Mayor Talarico, and contingent upon the following conditions:

1. Except as otherwise discussed and agreed upon on the record, the Applicant will comply with the various conditions, comments, and requests set forth in the Engineering Review Letter, as agreed upon by the Applicant on the record upon which the Planning Board acts in connection with the Applicant's Application, including the following conditions:
 - a. Compliance with Township for lighting, landscaping, and ADA spaces at the Subject Property;
 - b. Clean and maintain the existing stormwater drainage on the Subject Property;
 - c. Compliance with Township Fire Official regarding the width of the by-pass lane, including removal of the fourth drive-thru lane if the Fire Official deems same necessary;
 - d. Addition of sidewalks along the property frontage;
 - e. Addition of signage informing customers that cannabis consumption on the Subject Property is strictly prohibited;
 - f. The closure of the fourth drive-thru lane at all times, unless the fourth drive-thru lane is removed as otherwise discussed herein; and
 - g. Submission of a copy of Applicant's license issued by the CRC, when received by the Applicant.
2. The Applicant will work with the Board Engineer to address site plan revisions discussed herein to the Board Engineer's satisfaction and will return to the Board if needed to resolve any outstanding issues or comments and concerns raised in the Engineering Review Letter that cannot be resolved between the Applicant and Board Professionals through post-resolution compliance.
3. The Applicant shall ensure that all aspects of the proposed use of the Subject Property and Application comply with all applicable Township Code and outside agency requirements, including specifically any proposed signage to be added by the Applicant for the retail cannabis store.

4. The Applicant shall adhere to all representations made on the record by the Applicant and/or the Applicant's representative(s) and witness(es) at the Applicant's public hearing, including but not limited to, number of on-site employees and business hours of operation.
5. The Applicant shall secure any and all necessary outside approvals from agencies with jurisdiction over this Application, including but not limited to: Burlington County Planning Board and Township Fire Marshal.
6. The Applicant shall comply with all other applicable Township Code requirements.
7. The Applicant shall pay any applicable residential or non-residential Development Fees (Article XXII) Affordable Housing fees that may apply to the project, if any.
8. The Applicant shall provide sufficient escrow funds to pay professional and consulting fees incurred during review and approval of the Application in accordance with Township Code §88.
9. The Applicant shall pay any outstanding taxes or assessments on the Subject Property in accordance with Township Code §§22–25.
10. The Applicant shall obtain a new Certificate of Occupancy (CO) or Continued Certificate of Occupancy (CCO) if required by the Township Construction Office in accordance with Township Code §178-18.B.

ROLL CALL VOTE: (Original Decision July 23, 2025)

Those Eligible to Vote	Those in Favor	Those Opposed	Abstentions
Chairman Fletcher	X		
Vice Chair Manchello	X		
Mayor Talarico	X		
Deputy Mayor Zahradnick	X		
Ms. Wallace	X		
Ms. Rathgeb	X		
Mr. Reeves	X		
Ms. Bruce	X		
Mr. Bertele	X		

ROLL CALL VOTE: (Memorialization August 27, 2025)

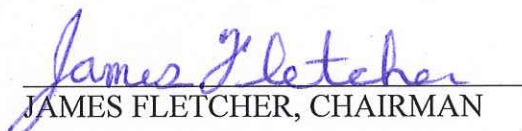
Those Eligible to Vote	Those in Favor	Those Opposed	Abstentions
Chairman Fletcher	X		
Vice Chair Manchello	X		
Mayor Talarico	X		
Deputy Mayor Zahradnick	X		
Ms. Wallace	X		
Ms. Rathgeb	X		
Mr. Reeves	ABSENT		
Ms. Bruce	X		
Mr. Bertele	X		

ATTEST:

MAPLE SHADE TOWNSHIP
PLANNING BOARD:



SUSAN DANSON, MANAGER

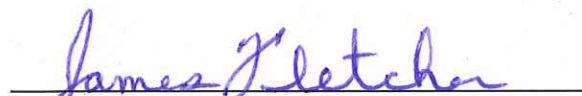


JAMES FLETCHER, CHAIRMAN

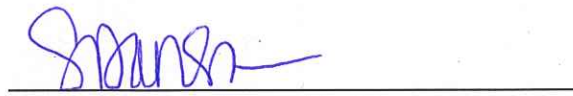
CERTIFICATION

I hereby certify that the foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Maple Shade, in accordance with its decision rendered at its regular meeting on July 23, 2025.

Dated: August 27, 2025



James Fletcher, Planning Board Chairman
Township of Maple Shade



Susan Danson, Township Manager
Township of Maple Shade