



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

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B U R G I S
A S S O C I A T E S , I N C .

MEMORANDUM

To: River Edge Land Use Board
From: Thomas Behrens, Jr., P.P., AICP
Subject: Sweetspot River Edge, LLC
Site Plan Application, 'd'(3) Conditional Use & 'c' Variance Requests
Block 1415 Lot 1.01
75 Route 4 E
Date: June 9, 2026
BA#: 4401.04

INTRODUCTION

The applicant, Sweetspot River Edge, LLC, is requesting amended site plan approval, 'd'(3) conditional use and 'c' variance relief for signage improvements associated with the existing cannabis dispensary at the above-referenced site having received Board approval in 2024. The site is in the Borough's COZ Cannabis Overlay Zone which permits retail cannabis establishments as a conditional use. The extent of proposed improvements and required variance relief are detailed herein.

SUBMISSION

Our office is in receipt of the following items for review:

1. Application and required forms.
2. Application narrative prepared by Benjamin Herbst dated April 22, 2026.
3. Site plans (2 sheets) prepared by Neglia Engineering Associates last revised October 1, 2024.
4. Sign elevations (1 sheet) prepared by Signarama dated April 1, 2026.
5. Freestanding sign detail (1 sheet) prepared by Signarama dated April 16, 2026.
6. Lighting specifications prepared by Alcon Lighting dated March 31, 2026.
7. Lighting placement plan for building signs prepared by Signarama undated.

REVIEW

Property Description

The site, identified as Block 1415 Lot 1.01 in Borough tax records, is a 1-6-acre irregularly shaped parcel with frontage on Route 4 East. Lot 1.01 is developed with three one-story commercial buildings and associated improvements. These include the subject building located in the eastern area of the site occupied as a retail cannabis establishment, central building occupied by Ethan Allen furniture store and adult daycare facility occupying the westernmost building. Development surrounding the site consists of commercial uses to the north and west and residential uses to the south and east. The site is bounded by the Van Saun Mill Brook/Coles Brook to the south and west. The following aerial image provides a general overview of the existing site conditions and surrounding development pattern.

Site Aerial Photo



Source: Google Maps accessed June 9, 2026. Note: Lot line is approximate.

Proposed Development

The applicant proposes a total of 4 building mounted signs though some materials indicate 3 building mounted signs to be clarified and the addition of a sign panel on an existing freestanding sign at the northern ingress driveway currently used exclusively for the existing adult daycare center. No other improvements are proposed. The following is offered for the Board's consideration with regard to specific elements of the development application:

1. Prior Conditions of Approval. The applicant shall confirm compliance with all prior conditions of approval.

2. Signage. The applicant proposes 4 “Sweetspot Dispensary” building mounted signs where a maximum of 2 building mounted signs are permitted. 2 signs (50 sf & 16 sf) will be located on the front facade, and 1 25 sf sign will be located on each the right (north) and left (south) facades. The sign plans indicate these signs will not be illuminated. It is noted that the smaller front facing façade sign is not reflected on the site plans or the light placement plan.

A new 5 ft by 14 ft (70 sf) “Sweetspot Dispensary Right in 100FT” panel is proposed on the existing freestanding sign at the site’s northernmost ingress driveway which sign (49 sf) is currently for the adult day care use resulting in a total sign area of 119 sf and height of 17 ft. The applicant shall confirm if this sign will be illuminated.

3. Windows & Awnings. The applicant shall confirm if the proposed sign elevation renderings accurately represent the proposed building, window and awning treatments.
4. Lighting. Lighting specifications have been provided. The applicant shall confirm the proposed locations of these fixtures. Site lighting should not exceed a color temperature of 3,500K. The applicant shall confirm the proposed sign illumination hours. Section 416-48.B. stipulates *“all business signs and all spotlights and floodlights used to illuminate any sign shall be extinguished by 11:00 p.m. or upon the close of business serviced by the signs or lighting, whichever last occurs.”*

Zoning. The site is located in the Cannabis Overlay Zone wherein the proposed cannabis establishment is a permitted conditional use. The proposed signage does not impact the existing bulk conditions of the property previously approved by the Board.

Variance Relief.

The application requires the following variance relief:

1. ‘d’(3) Conditional Use.
 - A. Section 416-36.3.E(2)(q)[3] prohibits freestanding signs associated with cannabis retail establishments in the COZ as a conditional use requirement. Such relief was previously granted for the existing freestanding directional signs.
 - B. Section 416-36.3.E(2)(q)[4] permits a maximum of 2 building mounted signs were at least 3 building mounted signs are proposed.
2. ‘c’ Freestanding Signs Prohibited. In accordance with Section 416-44.A(6), ground signs and freestanding signs are prohibited.
3. ‘c’ Signs Projecting into Required Yard. The existing freestanding sign on which a new ‘Sweetspot Dispensary” panel is proposed is located approximately 1 feet from the front lot line where the C-2 Zone requires a minimum front yard setback of 30 feet.

4. **'c' Max. Building Sign Area.** Section 416-53.C(3) permits a maximum sign area of 20 square feet where the proposed main sign is 50 square feet plus a smaller 16 square foot front facing sign, 2 signs mounted on the building sides are 25 square feet each and total building mounted signage is 116 square feet.

STATUTORY CRITERIA

'd'(3) Conditional Use Variance

Coventry Square, Inc. v. Westwood, 138 N.J. 285 (1994) provides guidance for Boards of Adjustment in evaluating applications deviating from conditional use requirements. The case established that in considering such applications Boards must consider whether the site continues to function well despite failure to comply with conditional use standards. In addition, the applicant must address the positive and negative criteria, specifically identifying the special reasons for granting variance relief and that the development will not pose a substantial detriment to the public good and no substantial impairment to the intent of the Master Plan and Zoning ordinance.

'c'(1)'/c'(2) Variances

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

1. **Physical Features Test:** An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. **Public Benefits Test:** An applicant may granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, an applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and it will not substantially impair the intent and the purpose of the master plan and zoning ordinance.