

**RESOLUTION OF THE JOINT LAND USE BOARD OF BELLMAWR GRANTING
CONDITIONAL USE APPROVAL FOR
CURALEAF NJ II, INC., 640 CREEK AVENUE, BLOCK 58, LOT 4, BLOCK 61, LOTS
4, 5, 6, 7, 8 AND 8.01 AND BLOCK 59 LOTS 2 AND 5.01
RESOLUTION NO. 09-2022**

WHEREAS, on June 6, 2022 consideration was given to the applicant in the above-captioned application for various items of relief during a public hearing conducted in person; and

WHEREAS, the relief sought was for conditional use approval together with any other required relief.

WHEREAS, the applicant was represented by Cheryl Lynn Walters, Esquire and produced witnesses, including Brittany Reed, applicant's Engineer, Sam Renauro, applicant's Planner and Bridgette Fonseca, Curaleaf District Manager for New Jersey appeared and testified on behalf of the application. No public appeared and testified. Steven Bach testified as Board Planner/Engineer regarding the contents of his report.

1. The Board had before it the following items:
 - a. Applications for Zoning / Land Use dated April 13, 2022.
 - b. Land Development Application and supporting documents.
 - c. Cover letter from Nehmad Davis & Goldstein to Tina Johnson, Board Secretary, dated May 13, 2022.
 - d. Correspondence from Nehmad Davis & Goldstein to Chairman DiRenzo and Members of the Land Use Board, dated June 1, 2022.
 - e. Correspondence from Nehmad Davis & Goldstein to Chairman DiRenzo and Members of the Land Use Board, dated June 3, 2022.
 - f. Sublease Agreements for satellite parking at 108 Stanley Avenue and 125 Stanley Avenue.
 - g. Cover letter from Nehmad Davis & Goldstein to Howard C. Long, Jr. Esquire, Borough Solicitor, dated April 13, 2022.
 - h. Approval of security plan from William P. Walsh, Chief of Police, Borough of Bellmawr. (email correspondence of April 14, 2022).
 - i. Certification for "Acceptance of Alternative Treatment Center (ACT) Certification and Authorization to operate in Adult Personal Use Market" from the State of New Jersey Cannabis Regulation Commission, dated April 12, 2022
 - j. Security Operations Manual for Curaleaf NJ ATC.
 - k. Odor and Sound Control documentation dated April 13, 2022 from Roger Davis, Curaleaf Senior Principal Facilities Engineer.

1. Plans entitled "Curaleaf Conditional Use Plan, prepared for Curaleaf NJ, Bellmawr Borough, Camden County, New Jersey", prepared by SR3 Engineers, LLC:
 - i. Cover Sheet dated 4/28/22
 - ii. Conditional Use Plan dated 4/28/22
 - iii. Aerial Plan dated 4/28/22

The report of the engineer was dated April 19, 2022. Thereafter, by letter dated May 13, 2022, the applicant submitted an application for conditional use approval to provide for retail sales of cannabis consistent with newly enacted Ordinance No. 10:18-21. Attachments to that application included a four-page application signed by counterparts and property owner list and a partially completed statement of corporate or other ownership. On June 1, 2022, the applicant submitted a letter requesting an adjournment of the hearing pending receipt of documentation confirming the applicant's control over satellite parking lots. The applicant submitted a June 3, 2022, letter retracting the previous request for an adjournment and enclosing a copy of a lease clarifying that the applicant does have control of satellite parking lots that are fully approved and improved where before it had been thought that they had not. That, although approved and improved, legal entitlement for ongoing use had not been established. The lease attached to that correspondence was a commercial sublease agreement between Curaleaf New Jersey Inc. (not Curaleaf NJ II, Inc.) Exhibits A and B of the lease depicted 30 spaces on 108 Stanley Avenue, Block 58, Lot 4, and 32 spaces on 125 Stanley Avenue, Block 59, Lot 5.01.

At the hearing the Borough engineers revised report was reviewed by the engineer for the benefit of the board and the record and established compliance with the conditions of conditional use, compliance with conditions of performance standards and compliance with conditions of site development standards, all as applicable to the site owned and/or leased by the applicant pursuant to the ordinance. The board imposed conditions upon the grant of conditional use approval with the consent of the applicant, as follows:

1. The applicant must cure the fact that the applicant is not specifically referenced on the lease.
2. The applicant will be required to maintain the existing levels of parking unless relief is granted by the board going forward. Any termination or loss of any or all of the aforesaid parking would require the applicant to promptly enter into plans to replace, which replacement parking shall be subject to further review and approval of the planning board.
3. The applicant agreed to submit a revised plan or other documentation that would provide for way finding type signage for internal circulation for autos and pedestrians. This plan would be a comprehensive plan of existing and new signage that would help to ameliorate the present state of affairs which is conceded by all to be less than optimum.
4. The applicant agreed as a condition of approval to provide that employee parking for all of the component uses would be designated for the furthest reaches of the parking areas, so that the nearer parking would be left available for customers and patients all with a view towards expediting safe ingress and egress from the site.

5. The applicant acknowledged that, should further applications for improvements to the site be undertaken, that that would require further findings as to compliance with the conditional use as is mandated by NJSAC40:55D-67.

6. The applicant agreed as a condition of approval to establish the lineage of all of the original applicants and transitions from original and subsequent applicants up to and including the present applicant. The purpose of this is to ensure continuity of responsibility for bonding, punch list, and imposition of conditions of approval.

7. A substantial discussion ensued concerning the pedestrian queuing and it was resolved as a condition of approval that the pedestrian queuing would be realigned away from Creek Road such that customers waiting to enter the dispensary building would not line up along the sidewalk on Creek Road. A note will be added to the plan.

8. A discussion ensued regarding the flow of vehicular traffic around the campus and it was established that existing driveway on Harding will continue to be an exit only drive. All traffic circulation for the entirety of the campus shall be shown on the revised plan and a separate circulation plan shall be provided which shall be subject to the review and approval of the board engineer and the Borough Police Department.

9. In discussing odor control, Engineer Bach commented that the site had seen the recent installation of the long-awaited carbon filtering system that will satisfy the applicant's previously imposed responsibilities to mitigate odors emanating from the site. This conditional use approval, while finding that the applicant meets this condition, does so with the understanding that such finding must be confirmed by inspection by the Borough engineer.

10. The applicant has agreed that the statement of corporate or other ownership would be amended by establishing and identifying the identity of all stockholders owning 10 percent or more of the stock of Curaleaf Holdings Incorporated and should those 10 percent or more owners be corporations themselves, the same disclosure of corporate ownership in excess of 10 percent would be required.

11. Taxes are required to be brought current and paid in full.

12. The applicant must establish an entitlement of Curaleaf NJ II, Inc. to utilize the satellite parking lots pursuant to the lease that has been submitted but which is in the name of Curaleaf New Jersey Inc.

NOW, THEREFORE BE IT RESOLVED considering the foregoing facts, the Board concludes the applicant has demonstrated compliance with the conditional use standards and the application for conditional use has substantial merit and shall be approved subject, however, to the following conditions:

1. The applicant must contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

2. Approval of all appropriate reviewing agencies including without limitation, the MUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department, Water and Sewer Department. (If required).
3. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
4. Compliance with the Board Engineer's report and comments at the public hearing.
5. Compliance with all representations made by the applicant at all public hearings.
6. Compliance with all terms and conditions of all prior approvals except as is specifically modified herein.
7. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.
8. Posting of any required additional performance and maintenance bonding.
9. Compliance with the conditions of approval set forth in this resolution.

Those Eligible to Vote

Those in Favor Those Opposed

Secretary Staszak
John Scarborough
Chairman DiRenzo
Vice Chairman Murray
Mark DeBerardinis
Josh Haas
Harry Corcoran
Councilman Wilhelm
Mayor Sauter
Zoning Official Chris Mecca

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ATTEST:

BOROUGH OF BELLMAWR
JOINT LAND USE BOARD:

RAY STASZAK SECRETARY

DANIEL DI RENZO, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a meeting held on the 1st day of August, 2022.

Ray Staszak
RAY STASZAK, SECRETARY