

**RESOLUTION OF THE BOROUGH OF BELLMAWR JOINT
LAND USE BOARD MEMORIALIZING CONDITIONAL USE
APPROVAL FOR ORGANIC LEAF LLC
WITH ATTACHED CONDITIONS**

WHEREAS on August 7, 2023 at a regularly scheduled meeting of the Bellmawr Joint Land Use Board, consideration was given to the application of Organic Leaf LLC for conditional use approval for a retail cannabis establishment at 80 Coolidge Avenue in Bellmawr, New Jersey, Block 57, Lots 8 and 2 on the tax map; and

WHEREAS John Calzaretto, Esquire, appeared on behalf of the application and testifying as consultant for the Board was Steven Bach, a Board planner and engineer. Also testifying was Paras Bandaria, sole shareholder of the limited liability company;

WHEREAS, the applicant, Organic LLC and the Board having received reports from the Board engineer and having heard the testimony makes the following factual findings in conditionally approving the subject application for conditional use:

1. The owner of the property is TSC Properties LLC located at 333 Sunnybrook Avenue in Barrington, New Jersey.

2. The applicant is Organic Leaf LLC located at 300 East Browning Road, Bellmawr, New Jersey.

3. The property is subject to a lease from the owner to the applicant as above identified.

4. The property is located in the Borough's light industrial zoning district. The proposed use of the retail cannabis establishment is a permitted conditional use in the LI light industrial zone per Ordinance Section 260 – 60.1.

5. The only matter that was resolved and determined on August 7, 2023 is the conditional use application. There are a variety of other pending applications before the Borough including a site plan approval, mercantile license, cannabis business application and other applications to other agencies including the Camden County Planning Board. None of these are adjudicated, determined or otherwise dealt with in the subject Resolution.

6. The conditional use requirements under the ordinance are as follows:

1. All Cannabis Establishments Class 1 through 6, located within the Borough shall meet all requirements for licensure and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
2. No cannabis establishment shall permit on-site consumption of cannabis or cannabis related products including no on-site sales and consumption of alcohol or tobacco products.

3. No outside storage of any Cannabis, Cannabis products or Cannabis related materials shall be permitted.
4. Hours of operation of any Cannabis Retail Facility shall be limited from 8:00 am to 7:00 pm, seven days a week.
5. For Cannabis Establishments located within the Borough a security plan to be approved by Bellmawr Police Department shall be provided to demonstrate how the facility will maintain effective security and control of the operations.

7. In addition, it is required that the conditional use applicant satisfy conditions of performance standards that are in the ordinance as follows.

1. All Cannabis establishments, particularly Class 1, 2, 3, 4, & 5 shall provide detail information on Odor Control from these sites. This shall include Air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public right of way, or within any other unit located in the same building if the use occupies a portion of a building.
2. All Cannabis Establishments shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel requirements.
3. Loitering, disruption to and/or obstruction of the free passage of persons or vehicles in immediate vicinity of the property shall be considered unlawful.

8. Before the Board was the following documentation:

- a. Duly completed application.
- b. A site plan with architectural elevations (that were not reviewed but were submitted with the conditional use application).
- c. A project narrative which only partly addresses the conditional use requirements and the rest were related to site plan issues.
- d. The October 28, 2022 approval of the State of New Jersey for retail cannabis licensing.
- e. A lease between TSC as the property owner and Organic LLC as the tenant.
- f. The Board Engineers Report of July 28, 2023 with which the applicant agreed to comply as a condition of approval.
- g. Borough of Bellmawr Mercantile License Application.
- h. Borough of Bellmawr Cannabis Business Application.
- i. Camden County Planning Board Application.
- j. Application for soil erosion and Sediment Control Certification.
- k. A letter of transmittal dated July 26, 2023 with various submissions some of which apply to site plan, some of which apply to the conditional use

including without limitation the June 20, 2023 security plan approval from the Bellmawr police chief. More about this is referred to below.

1. Various photographs of the subject site.

9. The Board heard testimony from Paras Bandaria that confirmed compliance with the conditional use requirements and the conditional use performance standards including but not limited to her testimony that she has the New Jersey state issued cannabis license, there would be no on-site sales of alcohol or tobacco; there would be no outside storage of cannabis materials; There would be no on-site consumption of cannabis products. The hours of operation would be 8:00 a.m. to 7:00 p.m. To their knowledge the security plan had been approved by the Chief of Police. That the land and building improvements will be submitted for approval to the Board. That the plans for odor control will be submitted as part of the site plan, that there will be no noise emanating from the subject site as it is a retail operation of practiced goods and that no loitering around the premises would be allowed. Finally, she testified that she would testify with all terms and conditions of the applicable provisions of the July 28, 2023 report of Steven Bach, Board engineer.

10. The Board received a completeness determination by Steven Bach as the duly designated administrative official for completeness purposes with regard to the conditional use only. The Board affirms this determination by the administrative official. However, during the hearing, Board Member/councilman Wilhelm observed that the security plan issued by the Police Chief was conditional and only applied to the video surveillance plan and that a further review would be forthcoming. In response, the solicitor advised that he (the Solicitor) had misread the Chiefs report security plan as having been unconditional. Mr. Bach affirmed this understanding as well. Accordingly, while the application had garnered completeness, the condition of a full and final security plan approval by the Bellmawr Police Chief remains outstanding and shall survive as a condition of this approval.

11. With respect to the conditional use requirements referred to above based upon the report of Steven Bach Board Engineer, the testimony and exhibits;

- a. The applicant has satisfied Condition 1 by provision of the conditional license provided with the application and subsequent testimony.
- b. The Board further finds satisfaction of Conditional Use Requirement 2 by virtue of the applicant's testimony that she will prohibit the activities that are precluded by ordinance in Condition 2.
- c. With respect to Condition 3, the Board finds that this condition is satisfied by virtue of the applicant's acceptance of a condition that all storage will be inside the proposed renovated retail building.
- d. With respect to Condition 4, the applicant has complied by affirming it will comply with the hours of operation of between 8:00 a.m. and 7:00 p.m.
- e. With respect to Condition 5, the applicant is compliant by virtue of the security plan having been submitted as to surveillance only. The applicant shall not be deemed in full and final compliance unless and until a full and unconditional security plan is approved by the Bellmawr Police Chief

which findings are subject to the confirmation by the Board Solicitor and Board engineer.

12. With respect to the conditions of performance standards for the conditional use, the Board finds as follows:

1. With respect to Condition 1, the applicant has indicated they will comply at the time of building permit submission and that the review and approval of such submission by the Board engineer shall be a condition precedent to obtain the certificate of occupancy demonstrating that the system was properly installed and inspected.
2. With respect to Condition of Performance No. 2, the applicant has satisfied this condition of performance insofar as the retail facility will generate no noise.
3. With respect to the third final Condition No. 3, the applicant will satisfy this condition by virtue of the testimony that they will comply and that compliance like all other agreements to comply, is an ongoing term and condition of this approval.

NOW, THEREFORE after considering the foregoing facts, the Board concludes that the application for conditional use approval has substantial merit and should be approved subject however to the following conditions:

1. All terms and conditions of the engineer's report and comments at the public hearing.
2. Compliance with all representations made by the applicant at the public hearing and in writing.
3. Subject to site plan approval evidenced by a signed compliance plan with all required waivers, variances and other agency approvals after such site plan application is subject to proper notice and public hearing. Such site plan must include lot consolidation for Lots 8 and 2.
4. Satisfaction of the performance standards per the Bach report.
5. Continuing compliance of all conditions of the New Jersey State Approval.
6. Issuance of a cannabis license to the subject applicant for this subject location by the Borough of Bellmawr.
7. Continuing occupancy by virtue of a lawful lease that is in good standing.
8. The applicant must contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
9. Approval of all appropriate reviewing agencies including without limitation, County Planning Board, Fire Marshall, Soil Conservation District, Department of Transportation, Police Department, Water and Sewer Department. (If required).
10. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
11. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.
12. Posting of any required additional performance and maintenance bonding.
13. Compliance with the conditions of approval set forth in this resolution.

Those Eligible to Vote

Those in Favor
ALL

Those Opposed
NONE

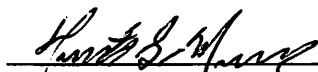
Chairman, Ken Murray
Secretary, Mark DeBerardinis
Ray Staszak
Emil Andrae
Harry Corcoran
Phil Mullen
Councilman, Craig Wilhelm
Mayor, Charles Sauter
Zoning Official, Daniel DiRenzo

ATTEST:



MARK DEBERARDINIS, SECRETARY

JOINT LAND USE BOARD:



KEN MURRAY, CHAIRMAN

Date: September 11, 2023