

**RESOLUTION OF THE BOROUGH OF BELLMAWR JOINT LAND USE BOARD
MEMORIALIZING APPROVAL FOR MINOR SUBDIVISION BY LOT
CONSOLIDATION; AND SITE PLAN FOR ORGANIC LEAF LOCATED AT 80
COOLIDGE AVENUE, BLOCK 57, LOTS 2 AND 8**

WHEREAS, on September 11, 2023 at a regularly scheduled meeting of the Bellmawr Joint Land Use Board, consideration was given to the application of Organic Leaf LLC for site plan approval and lot consolidation 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, the Board having previously granted conditional use approval; 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; sworn as witnesses were Richard Oberman, professional engineer; Pat Downey a professional engineer testifying as to traffic; Nebid Jahveri applicant's architect; and Marty Irving applicant's engineer; and

WHEREAS, the Board makes the following factual findings in approving the site plan approval; and

1. Before the Board was the following documentation:
 - a. Duly completed application.
 - b. A site plan with architectural elevations.
 - c. A project narrative.
 - 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 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.
 - l. Various photographs of the subject site.
 - m. A letter of transmittal dated August 14, 2023 from Irving Design Group, LLC transmitting a traffic report, a storm water report and various attachments thereto, one of which included a flash drive electronic submission

2. The Board received a completeness determination by Steven Bach as the duly designated administrative official for completeness purposes and the Board affirms this designation by the administrative official.
3. No variances are required for the subject Application. According to the representations of John Calzaretto, Esquire, applicant's counsel; Marty Irving, applicant's engineer; and the affirming report and testimony of Steven Bach the Board Engineer.
4. The public hearing commenced with Mr. Calzaretto giving a detailed statement of the background of the subject Application, generally describing improvements to the structure, the demolition of the garage, circulation plan for trash trucks, the addition of parking, the agreement to fully comply with the engineer's report, including by way of illustration only, relocation of the trash enclosure and further submission requirements for storm water management. The applicant agreed to comply with the Board Engineer's report and comments at the public hearing, including consolidating Lots 2 and 8.
5. Thereafter Marty Irving, the applicant's site engineer, testified in detail and also answered questions from the public.
6. Patrick Downey, applicant's traffic engineer, testified extensively. He testified regarding the conclusions in his report, after performing on-site traffic counts and other studies the engineer concluded that there would be "no significant degradation" of existing traffic conditions by the anticipated traffic from the subject site, even at the peak hours described and after accounting for seasonal factors. Upon questions from the public hereinafter referred to, Mr. Downey further testified that his assumptions were extremely conservative. He explained that the sole extent of the demised premises of the subject structure was 2,500 square feet. However, for his study purposes, he assumed 5,000 square feet which includes a basement of the property which was not going to be permitted to be utilized under the site plan approval, or under the state or local-issued Cannabis retail licenses, if any. This effectively doubled the traffic projections.
7. Board members had questions of the traffic engineer regarding hours of observations made which were answered by the expert, and further questions with regard to standard practices recognized by the New Jersey DOT in selection of peak hours and factoring of seasonal factors. Board members noted existing congestion on adjacent roadways at the subject site. Mr. Bach, the Board engineer, pointed out that the Board has limited jurisdiction regarding off-site traffic conditions, particularly with regard to existing conditions. The Board solicitor instructed the Board on the "Dunkin Doughnuts" line of cases for precisely that proposition; the Board cannot deny a conforming Application based on off-site traffic conditions. Chairman Murray also had questions regarding the no left turns from the Essex exit and the responses by the applicant's engineer, and the Board's engineer, was to point out that this is essentially an enforcement issue. The applicant did, however, as a condition of approval agree to the imposition of Title 39 enforcement powers on the subject site.

8. Various members of the public appeared to testify and ask questions, including Anna Mari Stolfo. She indicated that she was concerned about the existing traffic conditions and of the subject nature of the business. Likewise, Frank Talarico a neighbor at 73 Coolidge Avenue testified. He had questions particularly whether large trucks would be visiting the site to which the applicant and Board engineers indicated there would not be large trucks. It appears that there were a number of businesses located on Coolidge Avenue including his own, consistent with the General Industry Zoning. At that point there was also a discussion by the solicitor regarding the still pending Application for the same subject property for site planning approval. That proposal would in fact have had large trucks and trailers coming in and out of this site which was zoned general industry.

NOW, THEREFORE after the foregoing facts the Application for site plan and minor subdivision by lot consolidation has substantial merit and should be approved subject 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. Perfection of site plan approval evidenced by a signed compliance plan with all required waivers, variances and other agency approvals.
4. Submission of deeds of consolidation for the review and approval of the Board Solicitor and Engineer.
5. Satisfaction of the performance standards per the Bach report.
6. Continuing compliance of all conditions of the New Jersey State Approval.
7. Issuance of a cannabis license to the subject applicant for this subject location by the Borough of Bellmawr.
8. Continuing occupancy by virtue of a lawful lease that is in good standing.
9. The applicant must contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
10. 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).
11. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
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

Those Opposed

Chairman, Ken Murray
Secretary, Mark DeBerardinis
Ray Staszak
Emil Andrae
Harry Corcoran
Phil Mullen
John Scarborough
Josh Hodge

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Councilman, Craig Wilhelm
Mayor, Charles Sauter
Zoning Official, Daniel DiRenzo

ATTEST:


MARK DEBERARDINIS, SECRETARY

JOINT LAND USE BOARD:


KEN MURRAY, 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 2nd day of October 2023.


MARK De BERARDINIS, SECRETARY