

**A RESOLUTION OF THE BELLMAWR JOINT LAND USE BOARD
MEMORIALIZING CONDITIONAL USE APPROVAL AND WAIVER FOR CGT NEW
JERSEY LLC, 143 HARDING AVENUE, BLOCK 67, LOTS 6, 6.01 AND 6.03**

WHEREAS on September 11, 2023 at a regular meeting of the Joint Land Use Board for the Borough of Bellmawr, consideration was given to the concurrent applications of CGT New Jersey, LLC for concurrent applications of CGT New Jersey, LLC for (1) conditional use and waiver and (2) site plan approval; and

WHEREAS this resolution memorializes the conditional use approval only and the factual findings made and relied upon by the Board in concluding that the relief was appropriate; and

WHEREAS Danielle Kinback, Esquire appeared on behalf of the applicant and sworn in on behalf of the applicant was John Kornick applicant's engineer, Jason Ewasuik a principal with CGT, David McGorman of Vencanna and Nathan Mosley a traffic engineer with Shropshire Engineering. Steven Bach also testified as the Board Engineer and Board Planner and Basil DiCerbo testified from the public.

WHEREAS, 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 Sun Sun AAA LLC located at 134-38 Maple Avenue, Flushing, NY 11355.
2. The applicant is CGT New Jersey, LLC located at 518 N. 129th Infantry Drive, Joliet, IL 60435.
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 conditional use requirements under the ordinance are as follows:
 - i. 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.
 - ii. 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.

- iii. No outside storage of any Cannabis, Cannabis products or Cannabis related materials shall be permitted.
- iv. Hours of operation of any Cannabis Retail Facility shall be limited from 8:00 am to 7:00 pm, seven days a week.
- v. 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.

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

- a. 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.
- b. 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.
- c. Loitering, disruption to and/or obstruction of the free passage of persons or vehicles in immediate vicinity of the property shall be considered unlawful.

7. Before the Board was the following documentation:

- a. Cover letter addressed to Land Use Board Secretary, dated June 26, 2023.
- b. Borough of Bellmawr Joint Land Use Board Land Development Application.
- c. Borough of Bellmawr Land Development Checklist.
- d. Approval of Conditional License Application prepared by the State of New Jersey Cannabis Regulatory Commission, dated July 29, 2022.
- e. Traffic Analysis. Letter prepared by Shropshire Associates, LLC, dated June 26, 2023.
- f. CGT New Jersey LLC Business Plan
- g. Proof Cannabis Establishment Will Be Operated Pursuant to All Local and State Regulations
- h. Odor Mitigation Plan
- i. Proposed Location Map
- j. Site Suitability/Compatibility with Local Neighborhood and Advantages of Proposed Site
- k. Compliance with Local Setback Requirements
- l. Floor Plans and Renderings for Proposed Location
- m. Safety and Security Plan
- n. Photographs of the property.
- o. Sign renderings.

- p. Statement of Compliance with Conditional Use Standards Pursuant to Code §260-60.2(8).
- q. Property Survey entitled "Survey of Premises 143 Harding Avenue, situate in Bellmawr Borough, Camden County, New Jersey", prepared by Donovan Surveyors, dated 5-15- 23, no revision.
- r. Protective Covenants and Deed Restrictions of Property
- s. Police Chief Letter with Safety and Security Document
- t. Plan set for "143 Hardin Avenue, Block 67 - Lot 6 - Tax Map Sheet 14, Situate in the Borough of Bellmawr, Camden County, New Jersey", prepared by K2 Consulting Engineers, Inc.:

Sheet	Title	Date/Last Revision
1	Site Improvement Plan	9-20-22 / 2-10-23
2	Landscape & Lighting Plan	9-20-22 / 2-10-23
3	Construction Details	9-20-22 / 2-10-23

8. The Board heard an extended outline from the applicant through counsel touching upon both site plan issues and as well as the satisfaction of the conditional use requirements. Germane to this resolution memorializing the conditional use approval requirements set out above both the applicant and the Board Engineer represent to the Board the following:

- a. The applicant has satisfied Condition i by provision of the required license from the State of New Jersey provided with the application and subsequent testimony.
- b. The Board further finds satisfaction of Conditional Use ii by virtue of the applicant's representation that they would comply with affirmatively prohibiting the conduct described in this condition.
- c. With respect to Condition iii, the Board finds that this condition is satisfied by virtue of the applicant's indication that there will be no outside storage of any cannabis products or cannabis-related materials, that such will be prohibited, and ongoing compliance will be a condition of this approval.
- d. With respect to Condition iv, 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., 7 days a week.
- e. With respect to Condition v, the applicant is compliant insofar as the application has received a preliminary approval of the security plan from the police chief which with the continuing requirement that such police chief approval was as to surveillance only and that applicant shall not be deemed in full and final compliance unless and until the full conditional security plan is approval by the Bellmawr police chief.

9. With respect to the performance standards recited above, the Board finds as follows based upon the representations and agreements of the applicant and the review of the Board Engineer:

- a. Complies – Odor Control. A statement of odor control has been provided as part of the application and compliance is imposed and accepted as a condition of approval.
- b. Complies – Noise Control. The applicant has indicated non-applicability with which the Board Engineer agrees as only retail is proposed and no packaging or processing shall take place at the property.
- c. Complies - Loitering, disruption to and/or obstruction. Based upon the applicant's representations that they will affirmatively prevent loitering, disruption and/or obstruction in the immediate vicinity of the property.

10. Other testimony was heard having to do with the site plan which application was being heard concurrently with the conditional use application but memorialized separately.

11. A member of the public testified with respect to the site plan issues and his comments will be memorialized in that context. Nevertheless the Board notes and memorializes here that Basil DiCerbo the member of the public was in favor of the application and had no objections thereto after his questions were answered.

NOW THEREFORE after considering the foregoing facts, the Board concludes the application for conditional use approval and waiver 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.
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

Those Opposed

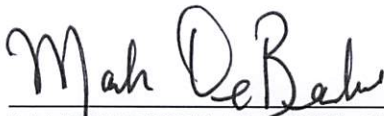
Chairman, Ken Murray
Vice Chairman, Josh Haas
Secretary, Mark DeBerardinis
John Scarborough
Ray Staszak
Emil Andrae
Harry Corcoran
Phil Mullen
Councilman, Craig Wilhelm
Mayor, Charles Sauter
Zoning Official, Daniel DiRenzo

7

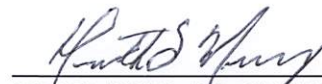
1

ATTEST:

BOROUGH OF BELLMAWR
JOINT LAND USE BOARD:



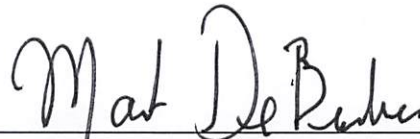
MARK DEBERARDINIS, SECRETARY



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