

**RESOLUTION OF THE BOROUGH OF BELLMAWR JOINT LAND USE BOARD
MEMORIALIZING APPROVAL FOR PRELIMINARY AND FINAL SITE PLAN FOR
CGT NEW JERSEY LLC, 143 HARDING AVENUE, BLOCK 67, LOTS 6, 6.02 AND 6.03**

WHEREAS, on September 11, 2023 at a regularly scheduled meeting of the Bellmawr Joint Land Use Board, consideration was given to the application of CGT New Jersey, LLC for concurrent applications of CGT New Jersey, LLC for (1) conditional use and waiver and (2) site plan approval for a retail cannabis establishment at 143 Hardin Avenue in Bellmawr, New Jersey, Block 67, Lots 6, 6.02 and 6.03 on the tax map; 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; and

1) WHEREAS, the Board having granted the conditional use approval by separate resolution; and

2) WHEREAS, the Board makes the following factual findings in granting preliminary and final site plan approval; and 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

- u. Board Engineer's report dated August 31, 2023

NOW THEREFORE, the Board finds the following facts in conditionally approving the Preliminary and Final Site Plan:

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.

3) With respect to the conditions of site development standards, these were laid out in Paragraphs 1 through 12 of the board engineer's report of August 31, 2023. As set out therein, the applicant is generally in agreement with all terms and conditions of the board engineer's report and this was stated unconditionally on the record during the hearing. Nevertheless with respect to those conditions some comments will be noted alongside of the numbered paragraph in the engineer's report:

- 1. Applicant will comply.
- 2. Not applicable.
- 3. Complies.
- 4. Not applicable.

5. Parking complies, however the applicant has agreed to designate the applicant's 17 parking spaces and to reconfigure the parking so as to not interfere with the DiCerbo loading dock and to the extent possible DiCerbo parking spaces. The applicant has also agreed to provide a complete as-built plan that will affirm the present conditions as well as facilitate review of the site plan compliance package.

6. Complies.

7. Complies based on the testimony provided.

8. Complies by virtue of the site plan submission.

9. No variance. The applicant has agreed to provide a detailed signed package and where necessary supplement the site plan with locations. In no case shall there be any deviation from the ordinance requirements on signage. If a deviation is requested, Applicant shall return to the Board to request variance relief, as applicable.

10. Complies with the confirmation that no fences, hedges or walls are proposed.

11. Complies.

12. Applicant has agreed to comply.

4) The board engineer's review letter also contains 16 paragraphs of comments. In lieu of a point-by-point response, the applicant unconditionally stated that they will comply in full with all 16 of those comments together with all recommendations made by the Board Engineer at the public hearing. Nevertheless the board feels it noteworthy that inclusive among these agreements is that the applicant will base repair and topcoat all existing paving (Paragraph 9), that it will replace the concrete driveway in disrepair (Paragraph 10), the entirety of the existing sidewalk along Harding Avenue shall be replaced (Paragraph 12) and any curb in disrepair along Harding Avenue shall be replaced (Paragraph 13). These are substantial improvements and upgrades that benefit the entire property.

5) A discussion ensued concerning whether and to what extent there were any variances required. The board solicitor was asked to review whether as a matter of law the rear yard setback which was presently nonconforming is a protected nonconforming use that needs no variance. The Solicitor responded that no variance was needed.

6) The applicants engineer generally described the improvements. Mr. McGorman answered questions.

7) Basil DiCerbo testified for the public as a co-tenant of the property, asking question and stating he had no objection to the application

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, including submission of an as built plan that would show no interference with Mr. DiCerbo's loading dock.
 3. Satisfaction of the performance standards per the Bach report.
 4. Continuing compliance of all conditions of the New Jersey State Approval.
 5. Issuance of a cannabis license to the subject applicant for this subject location by the Borough of Bellmawr.
 6. Continuing occupancy by virtue of a lawful lease that is in good standing.
 7. The applicant must contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
 8. 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).
 9. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
 10. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.
 11. Posting of any required additional performance and maintenance bonding.
 12. Compliance with the conditions of approval set forth in this resolution.
- 8) Mr. DiCerbo, a tenant of the building asked questions of applicant's representatives and indicated he was in favor of the application.

Those Eligible to Vote

Those in Favor

Those Opposed

Chairman, Ken Murray
Secretary, Mark DeBerardinis
Ray Staszak

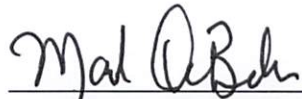
John Scarborough
Josh Haas

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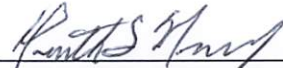
Emil Andrae
Harry Corcoran
Phil Mullen
Councilman, Craig Wilhelm
Mayor, Charles Sauter
Zoning Official, Daniel DiRenzo

ATTEST:



MARK DEBERARDINIS, SECRETARY


JOINT LAND USE BOARD:



KEN MURRAY, CHAIRMAN

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