

RESOLUTION NO. 2022-211

A RESOLUTION SUPPORTING THE APPLICATION OF GARDEN GREENS, LLC TO THE NEW JERSEY CANNABIS REGULATORY COMMISSION FOR THE CONVERSION OF AN APPROVED CONDITIONAL LICENSE TO AN ANNUAL LICENSE IN ACCORDANCE WITH N.J.A.C. 17:30-7.9 FOR A CLASS I CANNABIS CULTIVATION FACILITY TO BE LOCATED AT 3665 NORTH MILL ROAD.

WHEREAS, on July 13, 2021, in response to the deadline for municipal action imposed by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-45, *et seq.*, the City Council adopted Ordinance 2021-44, permitting Adult Use marijuana business operations within the City's Industrial Zoning Districts, specifically, those licensed as Class 1 Cultivators, Class 2 Manufacturers, Class 3 Wholesalers, and Class 4 Distributors; and

WHEREAS, on March 8, 2022, City Council adopted Ordinance 2022-26 amending Ordinance 86-38, as amended, Chapter 425, Section 425-383 limiting the number of Cannabis Cultivators Licenses in Vineland to five (5).

WHEREAS, Garden Greens, LLC (Applicant) has applied to the New Jersey Cannabis Regulatory Commission (CRC) for a conditional license pursuant to N.J.S.A. 24:6i-36.a(1) seeking a Class I Cultivation License and on March 28, 2022 and in accordance with the Final Agency Decision attached hereto and made a part hereof, the CRC has found that the Applicant has (1) submitted a complete conditional license application in accordance with N.J.A.C. 17:30-7.3; (2) has scored sufficiently high to be issued a conditional license in accordance with the criteria included in the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1 and 7.3; (3) is qualified to hold a conditional license pursuant to N.J.A.C. 17:30-7.4 and (4) has submitted the necessary state application fees pursuant to N.J.A.C. 17:30-7.17; and

WHEREAS, the Applicant has heretofore applied to the City of Vineland Planning Board for major site plan approval, both preliminary and final, for a cannabis cultivation facility to be located at 3665 North Mill Road ; and

WHEREAS, on February 9, 2022 the Planning Board adopted Resolution 6491 granting Major Site Plan Approval, bot preliminary and final subject to certain conditions contained therein, a copy which is attached and made a part hereof; and

WHEREAS, City Council finds that the Applicant is seeking to convert their conditional license to an annual license and City Council considers the determination by the CRC evidential in their decision to recommend that the Applicant be granted an annual license subject to certain conditions as specified in Planning Board Resolution 6491 and further subject to compliance with all local and state construction codes and all local and state laws and regulations: and

WHEREAS, the City has available at the time of the adoption of this Resolution five (5) Class I Licenses

NOW THEREFORE BE IT RESOLVED that City Council supports the application of Garden Greens LLC for conversion from a conditional license to an annual license

BE IT FURTHER RESOLVED by the Council of the City of Vineland that subject to the issuance of an annual license by the CRC, the filing of an application and approval of a local license as required by the Code of the City of Vineland, compliance with all of the requirements of Resolution 6491 of the Vineland Planning Board, compliance with all state and local laws and regulations and further upon payment of the appropriate license fee to the City, Garden Greens LLC shall be approved and receive a Municipal License to operate a Class I Cannabis Cultivation Facility at 3665 North Mill Road, Vineland, New Jersey.

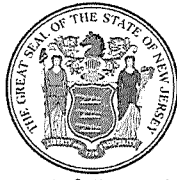
:

Adopted:

President of Council

ATTEST:

City Clerk



State of New Jersey
CANNABIS REGULATORY COMMISSION

P.O. BOX 216
TRENTON, N.J. 08625-0216

PHILLIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DIANNA HOUEYOU, *Chair*
SAMUEL DELGADO, *Vice Chair*
KRISTA NASH, *Commissioner*
MARIA DEL CID-KOSSO, *Commissioner*
CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

March 28, 2022

Garden Greens LLC
Jana Dandrea
gardengreensvineland@gmail.com
224 Maple Ter, Buena, NJ 08310

Re: **FINAL AGENCY DECISION**
APPROVAL OF CONDITIONAL LICENSE APPLICATION

Dear Jana Dandrea:

Congratulations! The New Jersey Cannabis Regulatory Commission ("NJ-CRC") has received and reviewed your application for a Cultivator to operate an adult personal-use cannabis business in the state of New Jersey. Upon the completion of the NJ-CRC's review, your application for a conditional license has been approved.

Pursuant to N.J.A.C. 17:30-7.2(f), the NJ-CRC shall approve a conditional license application where the applicant (1) has submitted a complete conditional license application in accordance with N.J.A.C. 17:30-7.3 and the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1; (2) has scored sufficiently high to be issued a conditional license in accordance with the criteria included in the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1 and 7.3; (3) is qualified to hold a conditional license pursuant to N.J.A.C. 17:30-7.4; and (4) has submitted application fees pursuant to N.J.A.C. 17:30-7.17. The above-referenced entity has satisfied all criteria.

Following this written notice of approval, the license applicant must notify the NJ-CRC within five (5) business days whether it will accept the license, or if it will abandon the license. Acceptance or abandonment of the license can be supplied by a letter from the applicant's listed primary contact, submitted electronically to crc.licensing@crc.nj.gov. **Pursuant to N.J.A.C. 17:30-7.5(c), failure of the applicant to notify the NJ-CRC of its decision to accept or abandon the license by the specified deadline shall result in the license being deemed abandoned.**

Should you choose to accept this license, the NJ-CRC will continue to verify information contained in your application and notify you when to submit the required conditional license application approval fee established at N.J.A.C. 17:30-7.17. Following receipt of the conditional license application approval fee, the NJ-CRC will issue the conditional license and provide the same to the applicant.

Acceptance of the license, submission of the conditional license application approval fee, and issuance of the conditional license by the NJ-CRC to the applicant triggers the beginning of the conditional license phase as established at N.J.A.C. 17:30-7.6. During the conditional license phase, the conditional license holder must (1) establish control of the proposed site; (2) gain municipal approval; and (3) develop and submit a conditional license conversion application. The conditional license phase commences on the date the conditional license is issued to the license applicant and expires after 120 calendar days. Pursuant to N.J.S.A. 24:6I-36b.(2)(d)(i) the NJ-CRC may extend the conditional license phase of any applicant for an additional 45 calendar days at its discretion. **To create better efficiency and to support new applicants, the NJ-CRC will automatically extend the conditional license phase for the above-listed applicant for an additional 45 calendar days.** The applicant may satisfy the conditional license phase and begin the process to convert to an annual license at any time prior to the end date for the conditional license phase. The additional 45 calendar days are offered as a courtesy and to prevent the necessity of the applicant submitting a formal request for extension.

During the conditional license phase, the conditional license holder shall not engage in purchasing, possessing, selling, cultivating, manufacturing, or selling cannabis or cannabis products. N.J.A.C. 17:30-7.6(e). Failure to adhere to this restriction may subject the applicant to adverse action by the Commission and may expose the applicant to law enforcement action.

The following activities are permitted during the conditional license phase:

1. The conditional license holder may obtain additional funding by adding new loans or gifts from new or existing financial sources not listed in the conditional license application. Conditional license applicants are reminded, however, that during the conversion phase, the NJ-CRC may investigate and may conduct probity review of the license applicant, its owners, principals, and related entities and their finances, ownership, and control structure (See N.J.A.C. 17:30-7.7(e)), and conditional license holders are therefore advised to not execute any additional financing agreements that have not been received and reviewed by the NJ-CRC;
2. The conditional license holder may change the proposed location of the cannabis business, and such new location shall be reflected in the conditional license conversion application;
3. The conditional license holder may notify the NJ-CRC of its intention to abandon the license, which will then be returned to the Commission; and
4. The majority share of the ownership interest in the license holder shall remain the same as at the time of license issuance, however:
 - a. An owner or passive investor of the conditional license holder may transfer ownership interest to another qualified party; and
 - b. The conditional license holder may add new qualified owners and principals.

Certain businesses are subject to the following additional restrictions:

1. A Diversely-Owned Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Diversely-Owned business criteria, pursuant to N.J.A.C. 17:30-6.4;
2. An Impact Zone Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Impact Zone Business criteria, pursuant to N.J.A.C. 17:30-6.5;
3. A Social Equity Business conditional license holder shall not make any ownership interest transfer

- that causes the license applicant to no longer comply with the Social Equity Business criteria, pursuant to N.J.A.C. 17:30-6.6;
4. A Microbusiness conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Microbusiness criteria, pursuant to N.J.A.C. 17:30-6.7; and
 5. A conditional license holder shall not violate the limitations on owners and principals, pursuant to N.J.A.C. 17:30-6.8.

Prior to the end of the conditional license phase, the applicant must submit its conditional cannabis business conversion application pursuant to N.J.A.C. 17:30-7.8. If granted, the license will be converted from a conditional license to an annual license, subject to all conditions set forth in N.J.A.C. 17:30-7.9 through 7.14.

As a conditional license awardee, you are subject to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (“CREAMM”) Act as well as all regulations implementing the CREAMM Act, set forth at N.J.A.C. 17:30. The NJ-CRC recommends that you familiarize yourself with those sections of the regulation pertaining to conditional cannabis licenses, specifically N.J.A.C. 17:30-7.2 through 7.8.

Again, congratulations on your successful application and thank you for your interest in working with the NJ-CRC to establish a safe and equitable cannabis industry for the state of New Jersey. Should you have any questions regarding this correspondence, please submit your inquiry to the NJ-CRC Licensing inbox at crc.licensing@crc.nj.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'DH' with a long horizontal line extending to the right.

Dianna Houenou
Chairperson
New Jersey Cannabis Regulatory Commission

RESOLUTION NO. 6491
RESOLUTION OF FINDING AND CONCLUSIONS AND
DECISION OF THE VINELAND PLANNING BOARD

WHEREAS, Garden Greens, LLC, with an address at 3665 N. Mill Road , Vineland, NJ 08360, has applied to the Planning Board of the City of Vineland for major site plan approval, both preliminary and final, for a cannabis cultivation facility to be located at 3665 N. Mill Road, located on the east side of N. Mill Road between Weymouth Road and Gallagher Drive, being known as Block 303, Lot 56, as shown on the City of Vineland Tax Map, Sheet #3; and

WHEREAS, the Board, having considered the presentation of Michael Fralinger, Esquire, attorney for the applicant; having considered the application of the applicant; having considered the report of Ryan R. Headley, PE, PP, Planning Board Professional Engineer and Professional Planner, dated February 2, 2022; having considered the report of the City Engineer, dated February 2, 2022 and having considered the sworn testimony of Keith Smith, PE,PP the applicants Professional Engineer and Professional Planner; having considered the exhibits entered into evidence; having considered sworn testimony from the Board professionals made the following factual findings:

1. The applicant requests a preliminary/final major site plan approval to convert an existing industrial facility to a cannabis cultivation facility along with additional site plan improvements.
2. The site is within an I-1 Industrial Zone.
3. The site consists of approximately 244,471 square feet (5.6 acres) of land and contains an existing industrial facility.
4. The plan utilized for review consists of sheets 1 through 11, prepared by French & Parrello Associates, dated January 27, 2022, (un-revised), entitled: "Preliminary and Final Major Site Plan for 3665 North Mill Road, Block 303, Lot 56, City of Vineland, Cumberland County, New Jersey".
5. The site plan requires the following variances from the area, yard, bulk and parking standards of the ordinance:
 - a) Front buffer (13 feet provided vs. 30 feet required).
 - b) Side buffer, southerly (11 feet provided vs. 25 feet required).
 - c) Side buffer, northerly (6.08 feet provided vs. 25 feet required).
 - d) Rear buffer (4.13 feet provided vs. 25 feet required).
 - e) Impervious lot coverage (70% provided vs. 65% maximum allowed).The applicant requests all 5 variances above.
6. The site plan requires the following variances with regards to signs:
 - a) Sign setback from front property line (5 feet provided vs. 10 feet required).
The applicant requests this variance.
7. The site plan requires the following waivers from the design standards of the ordinance:
 - a) Parking space row length without a tree island break (19, 23 and 40 space row provided vs. 12 space row maximum permitted).
The applicant requests this waiver.
8. The existing site has the following non-conformances from the area, yard, bulk and parking standards of the ordinance:
 - a) Side yard setback (34.8 feet provided vs. 35 feet required).
9. The site plan requires the following waivers from the Community Design Standards (Section 425-86) of the Ordinance:
 - a) Number of Bicycle Parking Spaces (0 spaces provided vs. 2 spaces required)
The Community Design Standards require a minimum of two bicycle parking spaces for all uses with more than 10 vehicle parking spaces. We recommend providing 2 bicycle parking spaces for each building on the site.
The applicant will comply.
10. The following comments are provided with regards to fences and signs:
 - a) Fences: An eight-foot fence in compliance with the Adult Cannabis ordinance has been provided.

- b) Signs: A 2'x3' (6 sq. ft.) identification sign is proposed along the frontage of the site. The sign is in compliance with current ordinance standards.
11. The Engineering Division has issued a separate Engineering Report dated February 2, 2022. The applicant shall resolve stormwater drainage and all other Engineering concerns prior to submitting a perfected plan.
12. The on-site parking requirement for the proposed development is based on the standards for an adult use cannabis use. An adult use cannabis use requires that one on-site parking space be provided for every employee on the main work shift. The plan indicates that 40 employees will be on the main working shift. Therefore, a total of 40 parking spaces are required on-site. The plan shows that 112 parking spaces will be provided on-site.
13. The applicant shall comply with any applicable New Jersey barrier free standards with regards to handicapped parking spaces that may be required by the proposed development. Comments from the Construction Official shall be addressed on the perfected site plan.
14. The Applicant has requested a waiver from the following application package submission requirement:
- a) Outbound and topographic survey information/plan (signed and sealed), dated within 18 months prior to the application date.
This waiver is requested.
15. A perfected plan is required to show the following omitted plan details:
- a) Show all structures within 150 feet of the land to be developed. Structures are considered to include, but not be limited to, buildings, driveways, mailboxes, signs, utility poles, drainage and sewerage structures, and valves.
Waiver requested
- b) Indicate the driveway openings, existing and proposed, with referenced location and width at the curb line and at the property line
.Waiver requested
- c) Clearly depict site benchmarks and elevation datum as applicable.
Waiver Requested
- d) Show the developable land area of each lot.
Waiver requested
- e) Show finished floor, top of block, garage floor, basement floor/crawl space and exterior corner elevations for all buildings and structures. Basement floor/crawl space elevation shall be not less than 2 feet higher than the seasonal high groundwater level.
Waiver Requested
- f) Show contour lines based on United States Coast and Geodetic data or bench marks approved by the City Engineer.
Waiver Requested
- g) Show proposed grading at maximum one-foot intervals, for a sufficient distance to define runoff paths.
Waiver Requested
- h) Provide a stormwater system designed to sufficiently convey the design storm, as described in Section 425-72 of the Land Use Ordinance. The stormwater conveyance system shall be accompanied by design computations and details.
Waiver Requested
- i) Provide an on-site disposal system or details of connection to the sewer main.
Waiver Requested
- j) Provide street improvements including, but not limited to, concrete vertical curb, concrete driveway apron, and street restoration, showing the location, type and size, and typical construction details.
Waiver Requested
- k) Provide existing and proposed outdoor trash areas, screened as required, with location dimensioned.
Waiver Requested
- l) Show the centerline elevations of the existing streets.

- m) *Waiver Requested*
Provide hydrologic soil groups (HSG) and soil boring log information, including, but not limited to, soil profile, permeability rate, existing ground elevation, and elevation of seasonal high groundwater, on drainage/grading sheets.
- n) *Waiver Requested*
Show basin cross-sections, when applicable, indicating all relevant elevations and topographic features. The limit of the cross-section shall be fifty (50) feet from where the one-foot freeboard elevation intersects the inner bank of the basin.
- o) *Waiver Requested*
Show storm sewer, existing and proposed, in plan and profile.

16. Michael Fralinger, Esquire, noted the following:

- a. The Applicant is seeking major site plan approval, both preliminary and final for a cannabis cultivation facility.
- b. The site is the Dandrea Produce site.
- c. This is an industrial zone and cannabis cultivation is a permitted use.
- d. The applicant requests all five bulk variances in paragraph 5 of Ryan Headley's report.
- e. All variances are existing and result from special standards for cannabis cultivation
- f. A sign variance is required due to offset of Mill Road at this location.
- g. A waiver is required for parking space row length without a tree island break. The ordinance does not permit vertical landscaping due to security concerns.
- h. The two bicycle parking spaces will be provided.
- i. A waiver is requested from providing an outbound survey.
- J. All perfected plan waivers in paragraph 15 of Ryan Headley's report are requested.
- k. The Applicant will comply with the remainder of Ryan Headley's report and the City Engineer report.

17. Keith Smith, PE, PP, provided the following sworn testimony:

- a. This is a permitted use in an industrial zone.
- b. The bulk variances are all existing conditions. The building exists as an industrial use.
- c. The bulk variances are due to the cannabis ordinance.
- d. The sign variance results from the offset of Mill Road.
- e. An outbound survey is not required as this is an existing, built site.
- f. The use fits nicely into this site.
- g. There is no substantial detriment since the area is industrial and in the industrial park.
- h. This is where the City intended cannabis operations to be located.
- i. A stormwater management plan is not required.
- j. Impervious coverage is being reduced from 73%.

18. No members of the public appeared to speak in favor nor against the proposed application.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Vineland, grants major site plan approval, both preliminary and final, for a cannabis cultivation facility in an existing industrial building .

The Board grants the following bulk variances:

1. Front buffer, 13 feet whereas 30 feet required.
2. Side buffer, south side 11 feet whereas 25 feet required.
3. Side buffers on the north side 6.08 feet whereas 25 feet required.
4. Rear buffer, 4.13 feet whereas 25 feet required.

Variance granted for impervious lot coverage of 70% whereas maximum 65% permitted.

Variance granted for sign setback of 5 feet whereas 10 feet required from the front property line.

The Board grants the following waivers from design standards:

1. Parking space row length without a tree island break for a 19, 23 and 40 space row whereas a maximum 12 space row permitted.

Waiver granted from providing an outbound and topographic survey.

The applicant is granted the following waivers from omitted plan detail:

1. Showing all structures within 150 feet of the land to be developed.
2. Show driveway openings, existing and proposed.
3. Showing finished floor, top of block, garage floor, basement floor/crawl space and exterior corner elevations for all building and structures.
4. Depict site benchmarks and elevation datum..
5. Provide hydrologic soil groups and soil boring log information.
6. Show developable land area of each lot..
7. Showing storm sewer both existing and proposed.
8. Show contour lines.
9. Show proposed grading.
10. Provide a stormwater system.
11. Provide details of sewer connection.
12. Provide street improvements.
13. Show existing and proposed outdoor trash areas.
14. Show centerline elevations of streets.
15. Show basin cross-sections.

The Board finds that the bulk variances can be granted without any substantial detriment to the public good nor substantial impairment of the City's Land Use Ordinance or Zoning plan. The site is an existing and completely developed industrial site. All of the cultivation will be conducted indoors therefore, there is no impact on neighboring properties. Impervious coverage is being reduced from 73%.

Major site plan approval both preliminary and final shall be subject to the following:

In addition to any other required revisions/corrections or additional information listed in other factual findings of the resolution, the perfected plan shall show the following

Revise Zoning Table to reflect variances and waivers as requested in this report.

Provide a notation that the refuse area will provide for the collection and removal of trash and recyclable materials as stipulated by City Code.

Pursuant to P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021 regarding Electric Vehicle Supply/Service Equipment (EVSE) & Make-Ready Parking Spaces, the Applicant shall comply with the Model EV Ordinance published by the Department of Community Affairs (DCA) on September 1, 2021.

The ordinance stipulates that the duration of approval shall be the same as the period of zoning protections provided under N.J.S.A. 40:55D. Required site improvements shall be installed within the duration of approval. The time allowed for installation of the improvements for which a performance guarantee has been provided may be extended by the governing body by resolution.

Please note that obtaining all outside agency approvals is the sole responsibility of the Applicant. The outside agencies which require approval, prior to applications being made for construction permits, include, but are not limited to:

- a) Vineland Water Utility – WaterUtilityProjectOffice@vinelandcity.org
- b) Vineland Electric Utility – tdunmore@vinelandcity.org
- c) Vineland Fire Department – fireprevention@vinelandcity.org
- d) Landis Sewerage Authority
- e) Cumberland-Salem Soil Conservation District

All applicants must contact these agencies as soon as possible to avoid delays with the required Board Approvals and/or site construction requirements. Project number must be provided on all inquiries.

The following standard requirements must be met before the Planning Division can clear the applicant to apply for permits:

- a) Perfected plan (6 paper copies and 1 digital copy).
- b) Surety being posted in the amount as determined by the City Engineer.
- c) Final Cumberland County Planning Board approval.
- d) Payment of the required inspection fee to the Planning Division.
- e) Signature of the Tax Collector indicating that no taxes or assessments from local improvements are delinquent or due (to be determined at the time all other conditions are met).
- f) Items from Engineering report.

The applicant shall be advised of the following:

- a) Certification from the Cumberland/Salem Soil Conservation District will be required.
- b) Right-of-way opening permits, issued by the City Engineer's Office, will be required for all proposed work within the City right-of-way.
- c) Approval from the City of Vineland Planning Board or Zoning Board of Adjustment does not constitute approval from any other City, County, or State departments or agencies. The Applicant is solely responsible to obtain all outside agency approvals.
- d) Non-residential affordable housing development fee may be required (N.J.S.A. 40:55D-8.1).
- e) The City of Vineland Municipal Electric Utility should be contacted as soon as possible to arrange for service.
- f) Any required revision brought on by an outside agency or agencies, including but not limited to the County of Cumberland, NJDOT or NJDEP, may require a revised approval by the Board.

The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on February 9, 2022, as reflected in the recorded minutes of said meeting.

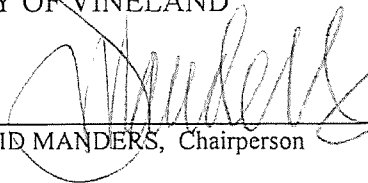
ADOPTED DATE: 2/9/22

Attest:



YASMIN RICKETTS, Secretary

PLANNING BOARD OF THE
CITY OF VINELAND



DAVID MANDERS, Chairperson

ROLL CALL VOTE

VOTING IN FAVOR

JOHN CASADIA
SAMUEL FIOCCHI
MICHAEL PANTALIONE
STEPHEN PLEVINS
DOUG MENZ
CHRISTINE SCARPA
SANDY VELEZ
ROBERT ODORIZZI
DAVID MANDERS

ABSTAINING

DAVID ACOSTA

ABSENT

NONE

OPPOSED

NONE