

RESOLUTION NO. 2021- 671

A RESOLUTION SUPPORTING THE APPLICATION OF
COLUMBIA CARE NEW JERSEY, LLC FOR A CLASS V
CANNABIS RETAIL LICENSE AT BLOCK 2104, LOT 377.

WHEREAS, the City Council of the City of Vineland has adopted Ordinance 2021-42 setting forth licensing requirements for the issuance of a Class V Cannabis Retail License, among others, as well as Ordinance 2021-73, setting forth land use requirements for the location of medical and adult use cannabis licenses in the City; and

WHEREAS, Columbia Care New Jersey, LLC (Columbia) has heretofore established an Alternative Treatment Center located at Block 2104, Lot 377 (Property) in the City of Vineland and has applied for a license as an Expanded Alternative Treatment Center in accordance with N.J.A.C. 17:30-7.1; and

WHEREAS, Columbia has demonstrated its ability to operate the Alternative Treatment Center in a manner that is beneficial to the City and in accordance with all laws of the State of New Jersey and Ordinances of the City; and

WHEREAS, Columbia has applied to the Planning Board of the City of Vineland for preliminary/final site plan improvement approval for consideration of a license through the State of New Jersey and City of Vineland to operate a Class V Cannabis Retail License at the Property; and

WHEREAS, the Planning Board adopted Resolution 6475 granting major site plan approval, both preliminary and final and conditional use approval for associated site improvements subject to certain requirements more specifically set forth in Resolution 6475 of the Planning Board which is attached hereto and made a part hereof as if set forth herein at length; and

WHEREAS, 2021-73 sets forth the number of Class V licenses to be issued in the City at one Class V license which to date has not been issued by the State in the City of Vineland or approved by the City and therefore the application of Columbia is appropriate; and

WHEREAS, Columbia has received all land use board approvals, subject to the site plan obligations and conditions set forth in Resolution 6475 of the Planning Board, to operate a Class V Cannabis Retail License at the Property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that the City supports the application of Columbia Care LLC for a Class V Cannabis Retail License at Block 2104, Lot 377 subject to the following conditions:

1. Compliance with all of the conditions set forth in Resolution 6475 of the Planning Board of the City of Vineland.
2. Compliance with all of the requirements of N.J.S.A. 24:61-1 et seq. and N.J.A.C. 17:30-1 et seq. as may be amended.
3. Compliance with all of the rules and regulations of the New Jersey Cannabis

CITY OF VINELAND, NJ

Regulatory Commission, as may be amended.

4. Compliance with all local laws and Ordinances including, but not limited to Ordinance Nos. 2021-42, 2021-73.
5. Issuance of a City of Vineland Municipal License in accordance with Ordinance 2021-42.

Adopted:

President of Council

ATTEST:

City Clerk

RESOLUTION NO. 6475

**RESOLUTION OF FINDING AND CONCLUSIONS AND
DECISION OF THE VINELAND PLANNING BOARD**

WHEREAS, Columbia Care New Jersey ,LLC with an address at 1062 N. Delsea Drive, Vineland, NJ 08360 has applied to the Planning Board of the City of Vineland for major site plan approval, both preliminary and final, and conditional use for parking site improvements at an existing medical cannabis facility located on the west side of N. Delsea Drive between Oak Road and Almond Road being known as Block 2104, Lot 377 as shown on the City of Vineland Tax Map, Tax Map Sheet #21; and

WHEREAS, the Board, having considered the presentation of Clint Allen, 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 October 21, 2021; having considered the report of David J. Maillet, PE, PP, City Engineer, dated October 22, 2021 ; having heard sworn testimony from Neil E. Sander, PE ; having heard sworn testimony from Lance B. Landgraf, PP, AICP; having heard sworn testimony from one member of the public and having considered sworn testimony from the Board's Professionals made the following factual findings:

1. The applicant requests a preliminary/final major site plan approval and conditional use approval to construct parking site plan improvements to an existing medical cannabis dispensary. Approval is also pending for adult use from the state of New Jersey.
2. The site is within a B-3 Business Zone.
3. The site consists of approximately 63,049 square feet (1.45 acres) of land and contains an existing medical cannabis dispensary.
4. The plan utilized for review consists of sheets 1 through 7, prepared by Independence Engineering LLC, dated September 16, 2021, (un-revised), entitled: "Preliminary/Final Major Site Plan for Columbia Care Inc. – Delsea Drive; 1066 N. Delsea Drive, City of Vineland, Cumberland County, New Jersey; Block 2104, Lot 77, Tax Map Sheet #21".
5. The Applicant previously received preliminary/final site plan approval for a medical cannabis facility.
6. The site plan requires the following variances from the area, yard, bulk and parking standards of the ordinance:
 - a) Side buffer (5 feet provided vs. 25 feet required).
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 (14 space row provided vs. 12 space row maximum permitted).
8. The following comments are provided with regards to fences and signs:
 - a) Fences: An extension of the existing 8' high decorative fence is proposed.
 - b) Signs: No new signs are proposed with this application.
9. The Engineering Division has issued a separate Engineering Report dated October 22, 2021. The applicant shall resolve stormwater drainage and all other Engineering concerns prior to submitting a perfected plan.
10. The on-site parking requirement for the proposed development is based on the standards for a medical cannabis dispensary. A medical cannabis dispensary use requires that one on-site parking space be provided for every 200 square feet of gross floor area. The proposed total gross floor area for the use is 4,180 square feet. Therefore, 21 parking spaces are required for the use. The plan shows that 43 parking spaces will be provided on-site.
11. 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.

12. A perfected plan is required to show the following omitted plan details:
- a) Indicate the on-site accessways and sight triangles, existing and proposed, with referenced dimensions.
 - b) Indicate the driveway openings, existing and proposed, with referenced location and width at the curb line and at the property line.
 - c) Show types of vehicles that will be used for deliveries and trash removal, and other large vehicles likely to enter the site on a regular basis. Provide circulation patterns of these vehicles using AASHTO Minimum Turning Path for said vehicle.
 - d) Include a note indicating, "Existing City of Vineland Monuments shall be preserved to the greatest extent practicable. Should the monumentation be damaged or destroyed, the responsible party shall reimburse the City of Vineland for the replacement of said monumentation."
 - e) Include a note indicating, "Per N.J.S.A. 40A-11-18, only manufactured products of the United States, wherever available, shall be used for work which the City of Vineland, or any other governmental agency, shall ultimately own and maintain."
 - f) Show the developable land area of each lot.
 - g) Show the centerline elevations of the existing streets.
Waiver Requested
 - h) 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.
Waiver Requested
 - i) 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.
 - j) Show storm sewer, existing and proposed, in plan and profile.
- The applicant will comply with a through f above. Waivers are requested for g through j.
13. Clint Allen, Esquire, noted the following:
- a) The Planning Board granted major site plan approval on 11/13/19.
 - b) The applicant now seeks to expand parking by 22 spaces for a total of 43 spaces.
 - c) The applicant has applied for an adult use license.
 - d) Conditional use approval is also requested. All standards for conditional use are met.
 - e) A variance for side buffer of 5 feet on the south side is requested as 25 feet is required.
 - f) Waivers are requested for parking space row length without a tree island break for a 14 space row and maximum 12 spaces permitted and waivers set forth in Ryan Headley's report paragraph 12 g-j.
14. Neil E. Sander, PE, provided the following sworn testimony:
- a) The site is 1.44 acres with a 4100 square foot building.
 - b) Current impervious coverage of 26% increases to 41.5%.
 - c) The surrounding area is predominately commercial. Some residences are to the west.
 - d) There will be no exterior changes to the building.
 - e) 22 additional parking spaces are proposed.
 - f) The tree buffer to the west will be maintained.
 - g) The approved lighting and landscaping plans will not change.
 - h) A sideyard buffer variance of 5 feet whereas 25 is required is requested. This will reduce removal of trees.
 - i) No additional screening to the west is proposed.
 - j) Omitted plan detail 12 g,h,i and j are requested.

15. Lance B. Landgraf ,PP, ACIP provided the following sworn testimony:
- a) The prior approved screening and fencing will remain.
 - b) All 6 specific standards for the conditional use are met.
 - c) The applicant has the only retail cannabis license in Vineland.
 - d) The permitted hours of operation are 8am to 10 pm.
 - e) The buffer variance is a hardship variance. The building exists and cannot be moved.
 - f) The benefits of this use outweigh any detriment and advances purposes of zoning. The additional parking enhances the site. The use provides for adequate air, light and open space. This is an appropriate use at this location.
 - g) There is no substantial detriment to the public good nor the City's land use ordinance.
16. One member of the public, William Benjamin, appeared. He lives to the north rear of this site. He stated the applicant is a good neighbor and keeps the site clean. The applicant built a fence as promised. His concern is what happens if the parking lot is full? He complained of cars driving fast on Oak Road and playing loud music. He wanted the applicant to install cameras to monitor parking at the former 7-11 and former Shell gasoline station. He was advised by the Solicitor the Applicant cannot be required to do that.
17. Kathleen Hicks, PP, Principal Planner City of Vineland noted the Applicant requires a cannabis retail license from both the State of New Jersey and City of Vineland.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Vineland, grants major site plan approval, both preliminary and final and conditional use approval for an additional 22 parking spaces together with associated site improvements.

The Applicant is granted a bulk variance for a side buffer of 5 feet whereas a minimum of 25 feet is required. The Board finds that the variance is de minimis. The site is developed and failure to grant the variance would result in extreme hardship and practical difficulties. The Board further finds that the variance can be granted without substantial detriment to the public good and without substantial detriment to the City land use ordinance nor zoning plan. This site is on a busy state highway and is surrounded by commercial uses.

The Applicant is granted a waiver for a 14 space parking row without a tree island break whereas a maximum 12 space row permitted.

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

1. Showing centerline elevations of existing streets.
2. Showing basin cross-sections.
3. Providing hydrologic soil groups and soil borings.
4. Showing storm sewer, existing and proposed.

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

1. 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.
2. 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 Electric Utility – tdunmore@vinelandcity.org
 - b) Vineland Fire Department – fireprevention@vinelandcity.org
 - c) 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.

3. 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) New Jersey Department of Transportation approval or letter of no interest.
 - e) Payment of the required inspection fee to the Planning Division.
 - f) 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).
 - g) Items from Engineering report

4. The applicant shall be advised of the following:
 - a) Certification from the Cumberland/Salem Soil Conservation District will be required.
 - b) 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.
 - c) Non-residential affordable housing development fee may be required (N.J.S.A. 40:55D-8.1).
 - d) The City of Vineland Municipal Electric Utility should be contacted as soon as possible to arrange for service.
 - e) 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.

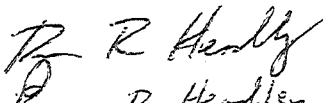
 - f) All required licenses from the State of New Jersey and the City of Vineland.

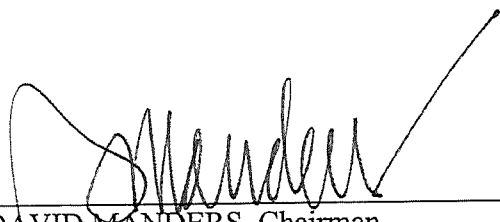
The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on November 10, 2021, as reflected in the recorded minutes of said meeting.

ADOPTED DATE: 12-8-21

PLANNING BOARD OF THE
CITY OF VINELAND

Attest:


Ryan R. Headley
for YASMIN RICKETTS, Secretary


DAVID MANDERS, Chairman

ROLL CALL VOTE

VOTING IN FAVOR

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

ABSTAINING

NONE

ABSENT

STEPHEN PLEVINS
CHRISTINE SCARPA

OPPOSED

NONE