

RESOLUTION 2023- 7

**TOWNSHIP OF WILLINGBORO PLANNING BOARD RESOLUTION
MEMORIALIZING THE GRANT OF CONDITIONAL USE AND SITE PLAN
APPROVAL FOR PROPERTY KNOWN AS 4402 ROUTE 130, BLOCK 3, LOT 4.02**

WHEREAS, PEMAA, LLC (hereinafter, the “Applicant”), submitted an application to the Township of Willingboro Planning Board (hereinafter, the “Board”), for conditional use approval and site plan approval, for the property known as Block 3, Lot 4.02 on the Official Tax Map of the Township of Willingboro, being commonly known as 4402 Route 130 (hereinafter, the “Site”), and

WHEREAS, the Board held a public hearing on the application at its regular meeting on Monday, March 13, 2023, for which the Applicant provided adequate notice in compliance with N.J.S.A. 40:55D-12; and

WHEREAS, the Applicant was represented by Counsel, Richard Wells, Esquire; and

WHEREAS, the Board reviewed and considered the materials submitted by the Applicant, including the application form, 200’ map, prior (2015) approved major site plan, architectural floor plan prepared by Daniel Jost, RA (one sheet dated July 25, 2022) and cover letter dated November 3, 2022 including narrative description of the proposed retail cannabis operation; and

WHEREAS, the Board after due consideration of the testimony and documentary materials described above, makes the following findings of fact:

1. The Site is located in the B-1 Business Zoning District, and is developed with a (currently vacant) 2,100 sf commercial building with thirty (30) parking spaces.
2. The Applicant has control of the site through a long-term lease with the property owner.
3. Retail sales of cannabis items is a conditionally-permitted use in the B-1 zone pursuant to Section 370-53H of the Land Use Ordinance.
4. The Applicant presented evidence to address each of the conditions contained in Sections 370-94A-J of the Land Use Ordinance through the testimony of Applicant’s principal Lisa Mazzone.
5. Applicant demonstrated that the site satisfies the locational standards of Subsection 370-94A, that the Applicant is presently licensed for medical cannabis rendering them eligible to conduct adult-use cannabis sales in conformance with Subsection 370-94B, and that the operation will be conducted entirely within an existing commercial structure as required under Subsection 370-94C.
6. Applicant further testified that its operations will also comply with all requirements for odor and noise control, security measures, hours of operation, signage and limits on on-

site sales or consumption of alcohol or tobacco products, in accordance with Subsections 370-94D-J.

7. Ms. Mazzone noted that the Applicant also has control over a “pad” site adjoining the proposed store, but has no present plans for that site.
8. Ms. Mazzone and Mr. Wells also described the existing drive-through lane, and agreed that the use of the lane will be limited to parking for delivery trucks and short-term parking for customer pick-ups.
9. The Applicant emphasized that security will be tight inside and outside the property. Cannabis products will not be directly accessible to customers inside, and video cameras will cover the entirety of the Site’s interior and exterior.
10. Two persons spoke during the public comment portion. Patricia Harvey Lindsay asked for clarification of the number of cannabis licenses held by the Applicant and the total number of licenses authorized by the Township. Gary Johnson asked what was the age cutoff for one to purchase adult use cannabis products, and whether the Applicant’s products would be securely stored. The Applicant responded that it holds a medical use license rendering them eligible to conduct adult use cannabis sales. Customers for adult use products must be at least 21 years old, and all cannabis products will be securely stored away from public access.

NOW THEREFORE, upon consideration of the evidence presented, the Willingboro Township Planning Board finds that the Applicant has satisfied the conditions for the grant of conditional use approval pursuant to Section 370-94 of the Willingboro Land Use Ordinance, that the requested relief is appropriate and the application will promote the general welfare of the community through the operation of an adult-use cannabis facility at a location and in the manner designated by the Township’s Zoning Regulations, and accordingly the Board upon motion made by D.Harris and seconded by S. Anderson hereby APPROVES the application of PEMMA, LLC for conditional use and site plan approval, subject to these Conditions:

1. Applicant will use the existing drive-through only for short term parking for customer pick-ups and deliveries. The Applicant agrees to present its proposed exterior elevations, detailing the drive-through window and awning, to the Planning Board for review and approval. Any changes or modifications to the use of the drive-through, including without limitation changes to the window or awning, will require Planning Board approval.
2. Applicant will consult and cooperate with the Willingboro Police Department (“WPD”) regarding Applicant’s security camera system, and will allow access to security footage if/as needed for WPD’s investigations and enforcement actions.
3. Applicant shall obtain all other required approvals; and
4. Applicant shall be bound by all representations made on its behalf at the hearing.

| Board Member | YES | NO | N.V. | A.B. | MOT | SEC |
|---|-----|----|------|------|-----|-----|
| D. HARRIS | X | | | | X | |
| S. WHITFIELD | X | | | | | X |
| K. MCINTOSH | X | | | | | |
| S. ANDERSON | X | | | | | |
| M. NOCK, Chair | X | | | | | |
| X – Indicates Vote NV – Not Voting AB – Absent MOT – Motion SEC - Second | | | | | | |

Adapted July 10, 2023



MARTIN NOCK CHAIR

Attest:



DONALD ST. HILAIRE
PLANNING BOARD SECRETARY