

**TOWNSHIP OF HOPEWELL  
MERCER COUNTY, NEW JERSEY  
R E S O L U T I O N 24-91**

**RESOLUTION AWARDING LOCAL RETAIL CANNABIS LICENSE  
TO PURE BLOSSOM, INC, A SUBLESSEE OF GOLDEN MANE NJ LLC  
PURSUANT TO THE NEW JERSEY CANNABIS REGULATORY,  
ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION  
ACT, N.J.S.A. 24:6I-31, ET SEQ., AND HOPEWELL TOWNSHIP ORDINANCES 22-1770  
AND 22-1790**

Regulatory Framework

**WHEREAS**, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et seq. (the “Personal Use Act”) legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial production, distribution and sale of cannabis items; and

**WHEREAS**, the Personal Use Act authorizes municipalities to adopt regulations by ordinance governing the number of cannabis establishments, distributors and delivery services allowed to operate within their borders, regulating the location, manner and times of operation of these establishments, distributors and delivery services, and establishing civil penalties for the violation of any such regulations, provided the time of operation of delivery services shall be subject only to regulation by the New Jersey Cannabis Regulatory Commission (N.J.S.A. 24:6I-45.a); and

**WHEREAS**, by Ordinance 22-1770, entitled “Ordinance of the Township of Hopewell Permitting the Operation of Class 5 Cannabis Retail Businesses in Certain Commercial Zones, with Conditions, and Amending Chapters 10, 17, and 24 of the Code of the Township of Hopewell” (hereafter “Ordinance” or “Ordinance 22-1770”), the Township of Hopewell has authorized the establishment of retail stores for the sale of personal-use cannabis, subject to the following requirements:

1. the store shall be licensed by the Cannabis Regulatory Commission (“CRC”) as a Class 5 retailer under the Personal Use Act;
2. the store shall be located in the C-1 zoning district;
3. the store shall be regulated requiring the owner to satisfy as a condition of operation the restrictions on the number, location, manner and time of operation set forth in the Ordinance, as amended from time to time, including:
  - (a) the operating hours of the dispensary shall be between 8 am and 8 pm daily;
  - (b) the cannabis business shall maintain the exterior of the site, including any parking lots under the control of the permittee, free of litter, debris and trash;
  - (c) the cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No permittee shall dispose of cannabis or cannabis products unless they have been made unusable and unrecognizable;
  - (d) no cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place;

- (e) all cannabis products shall be stored securely, indoors and onsite;
  - (f) cannabis consumption areas are prohibited by the Township;
  - (g) the licensed facility shall implement odor control measures approved by the Board of Health;
  - (h) a cannabis business licensee shall maintain security on the site in accordance with the security plan that is approved by the Police Director/Chief. Such plan shall include appropriate fencing, security personnel, lighting, transport of product and receipts, and site control features that prevent unauthorized access and public viewing. All storefront windows for cannabis retail establishments shall be heavily tinted or blacked out.
4. the design of the building or structure required by the licensed facility shall conform to the general character of the area in which it is located;
  5. the facility shall provide off-street parking and site access as required by Township ordinances and applicable approvals of the Township Planning Board;
  6. the facility shall also comply with all applicable zoning, signage, site plan requirements, specifications, standards and other applicable provisions of Chapters 17 and 24 of the Township Code, as may be amended from time to time;

**WHEREAS**, as authorized by the Personal Use Act, the Ordinance establishes a separate local licensing requirement as part of Township restrictions on the number of cannabis retailers and their location, manner and times of operation, to the full extent permitted by law, and such license must be renewed annually;

**WHEREAS**, the issuance or renewal of a local license shall require a resolution of Township Committee finding that the applicant complies with all applicable Township restrictions on the number of cannabis businesses and the location, manner and times of their operation, including continued compliance with all zoning and land use approvals and related conditions and standards;

**WHEREAS**, Township Committee may deny or revoke a local license or take other adverse action based on failure of compliance with restrictions, conditions and standards which are the basis for licensure, and to the extent permitted by law, possession of a valid local license shall be a condition precedent to operation of a cannabis business in the Township;

**WHEREAS**, Township Committee shall notify the CRC in every case that Committee either approves or denies an application for local licensure;

**WHEREAS**, the local licensing requirement shall be in addition to any land use approvals within the jurisdiction of the Township Planning Board;

**WHEREAS**, as authorized by the Personal Use Act and N.J.S.A. 40:48I-1.a (1), Ordinance 21-1760 imposes a tax of two percent (2%) on the sale of each cannabis or cannabis item by a cannabis retailer located in the Township;

**WHEREAS**, municipalities imposing a transfer tax by ordinance are required by N.J.S.A. 40:48I-1.a (2) to include in the ordinance a user tax, equivalent to the transfer tax rate, payable by any concurrent license holder in the municipality operating more than one cannabis establishment and transferring cannabis or cannabis items to any of the license holder's other cannabis establishments, whether located in the same or other municipality, based on the value of each such transfer or use not otherwise subject to the transfer tax;

**WHEREAS**, any violation of the provisions of the Ordinance or the conditions of the zoning permit granted, inclusive of any agreements or conditions imposed by the Planning Board, shall be punishable in accordance with the fines established in the Hopewell Township Code of Ordinances and all violations shall be reported to the CRC or other appropriate state authority;

Application for Local License by Pure Blossom, Inc. a Sublessee of Golden Mane NJ LLC

**WHEREAS**, Pure Blossom, Inc. ("Pure Blossom") a sublessee of Golden Mane NJ LLC, has applied for a local license to locate and operate a retail cannabis store at 2554 Pennington Road, Block 78, Lot 65 on the Hopewell Township Tax Map;

**WHEREAS**, the proposed location is in the C-1 Zoning District of the Township;

**WHEREAS**, in support of this application, Pure Blossom has submitted the following information and related documents:

1. On April 18, 2022, Township Committee approved Resolution 22-141, titled "Resolution of The Township Committee of the Township of Hopewell in Support of the State Cannabis Retail Application of Pure Blossom, Inc." The Resolution was adopted as proof of local support for the suitability of the location proposed by Pure Blossom, proof required to be submitted by Pure Blossom as part of its application to the CRC for State licensure. This Resolution confirmed Pure Blossom's commitment to comply with all conditions of use and other requirements contained in the Ordinance and set forth above. The Resolution was also contingent upon a detailed review of Pure Blossom's proposed physical plant and plan of operations by applicable local authorities in accordance with the Ordinance and such zoning and land use approvals required by law. A copy of Resolutions 21-141 is attached.
2. On September 23, 2023, the Hopewell Township Director of Community Development/ Township Engineer issued a Cannabis Zoning Verification letter to Pure Blossom certifying that Pure Blossom' cannabis retail store and intended operation at 2554 Pennington Road in Hopewell will conform with local zoning requirements allowing the operation of a cannabis retailer as a "conditional use," provided that before the store will be permitted to open it must obtain necessary land use approvals from the Hopewell Township Planning Board, including a determination that the store will in fact satisfy the conditions for conditional use set forth in the zoning ordinance. Pure Blossom also required this Letter as part of its application for licensure to CRC. A copy of this Zoning Letter is attached.
3. Pure Blossom subsequently received from the CRC a "Final Agency Decision – Approval of Conditional License Application" dated July 29, 2022, issued for the location at 2554 Pennington Road in Hopewell. A copy of this Conditional License approval is attached.
4. Pure Blossom then applied to the Planning Board for approval as a conditional use under the Ordinance and, after published notice as well as mailed notice to all property owners within 200 feet, presented testimony at virtual hearings before the Board on January 26,

2023 and February 23, 2023. The documents regarding Pure Blossom's application to the Board are on file with the Secretary to the Board.

5. The hearing before the Planning Board included reports by the Township Engineer, the Township Environmental Commission, the Township Planner, the Board Engineering Consultant, and Glenn Belnay, Ph.D., AICP, CE, Part-time REHS, and testimony by Pure Blossom's Attorney, Timothy M. Prime, Esq., James E. Henry, PE, PP of Dynamic Engineering, the Applicant's professional engineer, Christopher Lawson, Applicant's Licensed Architect, Evan Kowalksi, Applicant's Retail Cannabis Facility Expert for Operations and Regulations, and Nicholas Verderese of Dynamic Engineering, Applicant's Traffic Consultant. There were no questions or comments from the public.
6. At the conclusion of the hearing on February 23, 2023, by a vote of 8 to 0, the Planning Board conditionally approved Pure Blossom's application. This approval was memorialized by a Resolution adopted by the Board on March 23, 2023. A copy of this Resolution is attached.
7. The Planning Board approval finds that Pure Blossom's proposed use complies with all of the conditional use requirements set forth in the Ordinance.
8. The Planning Board approval is subject to the following conditions:
  - a. The Applicant satisfaction of all comments and agreements made in testimony before the Board including but not limited to the agreements set forth herein above.
  - b. The Applicant's satisfaction of all comments and recommendations in the memorandum issued by the Board Engineer dated January 19, 2023
  - c. The Applicant's satisfaction of all comments and recommendations in the Environmental Commission's memorandum dated January 19, 2023.
  - d. The Applicant's satisfaction of all comments and recommendations in the memorandum issued by the Township's Planner dated January 24, 2023.
  - e. The Applicant's satisfaction of all comments and recommendations in the memorandum issued by the Board's Traffic and Engineering Consultant dated January 24, 2023.
  - f. The Applicant's satisfaction of all comments and recommendations in the memorandum issued by the Health Department dated January 25, 2023, and their supplemental memo of February 17, 2023. Specifically, the Applicant will comply with Township Ordinance 16-17.3 and 16-17.4 which require, upon a change in use or change in tenancy, submission of a septic system inspection report and a well water quality report covering all parameters for which standards have been established under the New Jersey Private Well Testing Act.
  - g. Payment of the Affordable Housing Non-Residential Development Fee pursuant to State law.
  - h. Payment of all escrow and engineering review fees associated with this application within thirty days of invoice.
  - i. Securement of all approvals from all governmental agencies that may assert jurisdiction over the application.
  - j. All conditions contained in this Resolution and in the record of proceedings in this matter, including any agreements made by the Applicant, were essential to the Board's decision to grant the approvals set forth herein.
  - k. The development of this property shall be implemented in accordance with the plans submitted and as approved. In the event the Applicant shall make or propose any

changes to the project or structures on the property from those shown on the revised and approved plans and exhibits approved for this application, whether such changes are voluntarily undertaken or required by any other regulatory agency, Applicant shall resubmit any such changes to the Planning Board for review and determination.

- l. The Township reserves the right to request additional site improvements should actual field conditions vary from what is depicted on the plans and/or is indicated by the designs.
- m. All taxes and assessments relating to this property shall be current.
- n. The Applicant shall provide the Planning Board Clerk with two (2) sets of final plans, revised in accordance with all conditions of Planning Board approval.
- o. In accordance with Section 17-38d of the LUDO, the approved plan shall be submitted for signature to the appropriate officers of the Planning Board within sixty (60) days of the date of this Resolution. Failure to submit the plans for signature within the aforementioned period of time shall render the approval void unless the applicant submits a letter request to Linda Barbieri, Assistant Secretary to the Planning Board, who has the authority to extend the submission of the plans for signature for a 180-day period. The extension for signing does not extend any vesting period under the Land Use and Development Ordinance or the Municipal Land Use Law.
- p. The Applicant shall comply with all federal, state and local laws, rules, ordinances and regulations and obtain other required governmental approvals in the implementation of this approval.
- q. In the event that approval by some other board or governmental agency or compliance with any of the conditions of approval herein provides material changes in the plans heretofore submitted, the Board reserves the right to review this approval in light of those changes.
- r. The Applicant must submit revised plans subject to the review and approval of the Board Engineer.
- s. The Applicant must submit proof of licensing of this facility in the name of Pure Blossom authorizing the site as a lawful cannabis retail facility.
- t. The Applicant must submit the sublease between the Applicant and Pure Blossom who will be the operator of the facility.
- u. In the event that there are complaints issued regarding odors emanating from the facility, the Applicant shall meet with the Township Zoning Officer to address those concerns relating to the enforcement of this Resolution regarding odor control.
- v. The Applicant shall submit a revised parking plan subject to the review and approval of the Board Traffic Engineering Consultant.
- w. The Applicant shall apply to the Hopewell Township Committee and request Title 39 enforcement for the Property.
- x. The Applicant's security plan shall be subject to the review and approval of the Hopewell Township's Law Enforcement Representatives.
- y. There shall be no odors emanating from the cannabis retail facility

#### Findings

**WHEREAS**, on the basis of this record, the Township Committee makes the following findings:

1. Except as specifically noted below, Pure Blossom's proposed Class 5 retail store complies with all applicable Township restrictions on the number of cannabis businesses in the



Township and the location, manner and times of their operation, including compliance with all zoning and land use approvals and related conditions and standards, as required by the Ordinance.

2. Exceptions, which shall be conditions precedent to issuance of a local license, are the following:
  - (a) CRC Issuance of an annual Class 5 retail license to Pure Blossom, entitling Pure Blossom to open for business, and delivery of a copy of same to the Hopewell Township Clerk and to the Secretary to the Planning Board.
  - (b) Documented confirmation that the owner of 2554 Pennington Road has brought current all real property taxes and sewer and water charges for the property;
  - (c) Documented confirmation that Pure Blossom has brought current all municipal land use application and escrow charges for its conditional use application before the Planning Board;
  - (d) In addition to fees and charges paid or payable to the Hopewell Township Planning Board, Pure Blossom shall pay the Township all required application and registration fees.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hopewell, as follows:

1. Township Committee adopts the recitals and findings set forth above.
2. Issuance of a local license to Pure Blossom for the operation of a Class 5 retail store at 2554 Pennington Road in the Township of Hopewell is hereby approved subject to the following conditions precedent:
  - (a) Written confirmation by the Township Clerk that the CRC has issued to Pure Blossom an annual license;
  - (b) Written confirmation by the Township Tax Collector that the owner of 2554 Pennington Road's taxes, sewer and water charges are current;
  - (c) Written confirmation by the Secretary to the Planning Board that Pure Blossom has brought current all land use application and escrow charges.
3. The required writings in satisfaction of the above conditions may be received and approved by the Township Clerk and need not require prior approval by Township Committee before issuance of the license.
4. The local license shall be issued to Pure Blossom by the Township Clerk over the signatures of the Mayor and the Township Clerk and in a form determined by them to be suitable for display on the premises of the Pure Blossom store.
5. Issuance of the local license shall also be subject to the following continuing conditions:
  - (a) Continued compliance with all applicable New Jersey State laws and regulations, including in particular the Personal Use Act, CRC Rules and Regulations, the requirements of Ordinance 22-1790 and the Code of the Township of Hopewell, all as may be amended from time to time.

- (b) Continued compliance with the conditions of Conditional Use approval by the Hopewell Planning Board, as memorialized in the Planning Board Resolution.
- (c) Payment of all required taxes and fees owed to the Township in accordance with the Ordinance and Township Code and agreement concerning the schedule for quarterly payment of cannabis transfer taxes stated above as may be amended from time to time.
- (d) The local license shall be prominently displayed in the Pure Blossom's store, visible to customers.

Date Adopted: March 4, 2024

**CERTIFICATION**

I, Katherine Fenton-Newman, Municipal Clerk, of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at the regular meeting held on the 4<sup>th</sup> day of March 2024, in the Municipal Building Auditorium, Hopewell Township, New Jersey and via Zoom Video Communications.

  
Katherine Fenton-Newman, CMR, RMC

Municipal Clerk