

RESOLUTION 31-2022

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

**SUPPORTING THE LOCATION AND OPERATION OF A CLASS 5 RETAIL CANNABIS FACILITY OPERATED BY GSD NJ LLC
d/b/a GARDEN STATE DISPENSARY**

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act (“CUMCA”) established the New Jersey Medicinal Cannabis Program (the “Medicinal Program”), whereby “Alternative Treatment Centers” (“ATCs”) are authorized to cultivate, manufacture and/or dispense cannabis to patients registered in the Medicinal Program consistent with the terms and conditions of a permit issued by the New Jersey Department of Health; and

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”), enacted in February, 2021, established the New Jersey Personal-Use Cannabis Program, which includes a process for the licensure of “Cannabis Business Establishments,” as defined by CREAMMA; and

WHEREAS, CREAMMA deems all ATCs with a dispensary permit endorsement under the Medicinal Program to hold a Class 5 Retail License under the Personal-Use Program; and

WHEREAS, CREAMMA established the New Jersey Cannabis Regulatory Commission (“CRC”), delegated to CRC regulatory authority over the Personal-Use Program, and transferred regulatory authority over the Medicinal Program from DOH to CRC; and

WHEREAS, as part of the implementation of the Personal-Use Program, CRC has requested that New Jersey municipalities in which ATC facilities are located confirm that such facilities have municipal use approval through a resolution of the municipality’s governing body identifying the ATC or ATCs by name; and

WHEREAS, GSD NJ LLC d/b/a GARDEN STATE DISPENSARY (“GSD”) holds an Alternative Treatment Center (“ATC”) permit issued by the New Jersey Cannabis Regulatory Commission (“CRC”) to cultivate, manufacture and dispense marijuana pursuant to the State of New Jersey’s Medicinal Program; and

WHEREAS, on April 19, 2019 Borough of Eatontown (the “Borough”) issued a zoning permit to Compassionate Care Research Institute (“CCRI”), the predecessor in interest to GSD’s ATC permit, to operate a dispensary under the Program at 59 Route 35 North, Eatontown, NJ 07724 (the “Property”), subject to CCRI obtaining all necessary building permits and outside-agency approvals; and

WHEREAS, thereafter, CCRI obtained all necessary permits and approvals as required by the Zoning Permit, including without limitation, an approval issued by DOH on July 10, 2019 for CCRI to operate a satellite dispensary at the Property (the “Dispensary”); and

WHEREAS, the Dispensary opened for business at the Property (the “Dispensary”) on September 17, 2020; and

WHEREAS, in 2020 the DOH approved the transfer of CCRI’s permit to GSD, which took over operations of the Dispensary; and

WHEREAS, GSD has since continued to operate the Dispensary pursuant to state and Borough approval; and

WHEREAS, on August 5, 2021, the Borough adopted Ordinance No. 19-2021 (the “Ordinance”) authorizing and limiting cannabis business establishments in the Borough including three (3) Class 5 Cannabis Retailer Licenses in delineated areas through the Borough; and

WHEREAS, the Ordinance recognized the ATC as an existing use and its right to convert to a Class 5 Retail Facility under the statute and that if it chose to do so, it would count towards one of the three permitted Class 5 Retail Facilities in the Borough subject to the issuance of a license by the CRC; and

WHEREAS, the CRC requires a resolution of support from the Borough Council for conversion applications for ATCs to also become Class 5 Retail Establishments and the Borough Council having reviewed the New Marijuana Business License Application filed by GSD and it believes it is in the best interest of the Borough to provide a resolution of support to GSD.


NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that it hereby issues this resolution supporting the application of GSD NJ LLC, d/b/a Garden State Dispensary to operate a Class 5 Retail Cannabis facility at the premises located at 59 Route 35 North, Eatontown, where its existing Alternative Treatment Center has been issued a zoning permit to operate and is currently open for business.

BE IT FURTHER RESOLVED as follows:

1. GSD NJ LLC d/b/a Garden State Dispensary is registered to do business in the State of New Jersey.
2. The Borough of Eatontown has authorized up to three Class 5 Retail Cannabis Retail licenses through the adoption of Ordinance 19-2021 and the issuance of a license to GSD NJ LLC does not exceed the limitation for Class 5 Retail Cannabis establishments.
3. A copy of this Resolution shall be forwarded to the following:
 - a. GSD NJ LLC
 - b. Kathy Muscillo, Director of Planning and Zoning

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Council President Gonzalez			X			
Councilmember Regan, Jr.				X		
Councilmember Escalante		X	X			
Councilmember Jones	X		X			
Councilmember Gindi			X			
Councilmember Lucas			X			
Mayor Talerico						

CERTIFICATION
 I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 12, 2022.


 Julie Martin, RMC, Borough Clerk