

RESOLUTION NO. 2025-54

A RESOLUTION OF THE TOWNSHIP OF ABERDEEN DEMONSTRATING PROOF OF LOCAL SUPPORT AND APPROVAL OF AN APPLICATION FOR A LICENSED CANNABIS RETAIL FACILITY, OPERATED BY BREAKWATER TREATMENT & WELLNESS CORP. AND LOCATED AT 330 LLOYD ROAD ABERDEEN, NJ 07721

WHEREAS, in or about January 2010, Governor Jon Corzine signed into law P.L. 2009, c. 307, known as the "New Jersey Compassionate Use Medical Marijuana Act", which, in pertinent part, legalized the use and dispensing of marijuana for medicinal purposes; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act grants municipalities broad discretion in authorizing the number, location and conditions under which various classes of Cannabis operations may be permitted; and

WHEREAS, the Mayor and Council of the Township of Aberdeen have determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents and members of the public who visit, travel, or conduct business in the Township, to adopt an ordinance to amend Chapter 25 to permit the operation of Class 5 Cannabis Retailer operations in the Township's (RC) Regional Commercial and (HC) Highway Commercial Zoning Districts in accordance with Section 31(b) of the Act; and

WHEREAS, the Mayor and Township Council have further determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents and members of the public who visit, travel, or conduct business in the Township, to permit Class 5 Cannabis Retailer operations in the RC and HC Zones only under very specific Conditions as permitted under N.J.S.A. 40:55D-67 and deviation from which requires variance relief under N.J.S.A. 40:55D-70(d)(3); and

WHEREAS, Breakwater Treatment & Wellness Corp. ("Breakwater") seeks to locate and operate a cannabis retail facility at 330 Lloyd Rd. Aberdeen, NJ 07721, located in the "HC" Highway Commercial Zone; and

WHEREAS, an applicant for an annual cannabis business license must submit, among other requirements, proof of local support in accordance with N.J.A.C. 17:30-7.10(b)(9); and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(g), a municipality may demonstrate proof of local support for the suitability of a cannabis business's proposed location by indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business with the adoption of a resolution by the governing body; and

WHEREAS, the Township has reviewed the Retail Cannabis Endorsement Application submitted by the Applicant; and

WHEREAS, after review of the application the Township Manager recommends approval of the application submitted by the Applicant, subject to the reasonable time, place, and manner restrictions imposed by the lawfully enacted Ordinance No. 4-2025; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Aberdeen that:

1. Breakwater Treatment & Wellness Corp. (the “Applicant”) seeks to operate a cannabis retail facility at 330 Lloyd Rd. Aberdeen, NJ 07721 (the “Property”), which is an area designated by Ordinance No. 4-2025 for such uses.
2. The Township recognizes not only the suitability of such operations at the Property, but also the benefits a company such as the Applicant would bring to our community as a whole, including, but not limited to, job creation, job training, use of local vendors for build-out and ongoing operational needs, as well as anticipated dedicated tax revenues from each sale at any cannabis dispensary located within Township.
3. Cannabis Ordinance No. 4-2025 plainly identifies that the operation of a retail facility at the Property is consistent with the zoning rules identified therein. Specifically, Class 5 Cannabis Retail license is a permitted conditional use in the “HC” Highway Commercial Zone.
4. The issuance of a Class 5 Retail Cannabis License by the Cannabis Regulatory Commission would not exceed the limit of licenses established by the Township, however, if issued the Township would be at capacity because of the limitation of only one license permitted in the “HC” Highway Commercial Zone.
5. Based on the preceding, the Township is satisfied not only that the Property the Applicant seeks to utilize is compliant with the Township's zoning rules and requirements outlined by Ordinance No. 4-2025, but also that the Applicant will be a valuable addition to the group of cannabis license holders awarded by the CRC, and that its business operations will have a positive impact on the Township and community at large.
6. In light of that, and in the event that the Cannabis Regulatory Commission issues a Class 5 Retail Cannabis License in accordance with the Cannabis Laws, this resolution should be viewed by the State as unequivocal support by the Township of the Applicant, Breakwater Treatment & Wellness Corp., and an indication that the intended location is appropriately located or otherwise suitable for the activities related to the Retail facility.

7. The Township also authorizes the Township Zoning Official to issue any required letter or affidavit identifying that the proposed facilities will conform local zoning requirements allowing for activities related to the operation of a cannabis business, as outlined in the Cannabis Ordinance, subject to the understanding and agreement with the Applicants that they will comply with any reasonable additional zoning requirements imposed by the Township, which the Township understands and agrees will not occur until after the Applicants obtain preliminary approval by the CRC, and subject to any additional permitting requirements that the Township will impose in accordance with the Cannabis Ordinance.
8. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, this support and acceptance of the Applicants application shall expire one year from the date of its passage if the applicant has not received a Class 5 Cannabis Retailer License from the State of New Jersey.

ROLL CALL VOTE:

Ayes: Councilmembers Cannon, Hirsch, Kelley, Martucci, Swindle, Deputy Mayor Montone,
Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy
of a Resolution adopted by the Township
Council of the Township of Aberdeen on April 3, 2025

Melissa Pfeifer

Melissa Pfeifer, Township Clerk