



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

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**JULY 14, 2021
PLANNING BOARD
REGULAR MEETING
MINUTES**

The meeting was called to order by Bob Preston at 7:00 p.m.

Flag Salute
Notification of Meeting

ROLL CALL

PRESENT: Aleli, Gersh, Horton, Howell, Reilly, Thompson, Strugala, Tiberio, Preston

ABSENT: Kirk, Clinkscale

OLD BUSINESS:

Vote: Minutes of June 9, 2021 meeting

Motion to approve: Nick Tiberio – second – Lou Strugala

ROLL CALL: Aleli, yes; Gersh, yes; Horton, yes; Howell, yes; Reilly, yes; Thompson, yes; Tiberio, yes; Preston, yes

Vote: D&R for Appl. #2-2021 for Erica Corea – 170 Marin Drive – Block 289 – Lot 5.36 for amended site plan/minor site plan

Motion to approve: Nick Tiberio – second – Lou Strugala

Lou – asked if the requirements/conditions have been completed

Nothing has been submitted as of yet.

ROLL CALL: Aleli, yes; Gersh, yes; Horton, yes; Howell, yes; Reilly, yes; Thompson, yes; Tiberio, yes; Preston, yes

NEW BUSINESS:

Discussion of Ordinance #10-2021 – an Ordinance amending Chapter 224 of the Code of the City of Absecon to establish Cannabis Land use Regulations

Ed Dennis, City Engineer – gave a brief background of the law that was passed in February of 2021 that legalizes recreational marijuana in New Jersey. The implementation of that law is still somewhat in flux at the state level and it has been a point of frustration for many cities trying to implement local regulations and difficult to get specific guidance from the state. The State established a deadline of August 21 for all municipalities in the state to make a choice. They either had to develop their own local regulations; or opt out, meaning essentially not allow recreational marijuana establishments to do business within their municipal boundaries; or just do nothing. If a town decided not to act, the State established some default regulations that would then be imposed upon that town. They dealt with where specific types of cannabis establishments could be located based on your existing zones. The State established 6 classifications of cannabis establishments:

- Class 1 – a cannabis cultivator
- Class 2 – a cannabis manufacturer
- Class 3 – a cannabis wholesaler
- Class 4 – a cannabis distributor
- Class 5 – a cannabis retailer
- Class 6 – a cannabis delivery service

1-4 deal with the manufacturing part of the business and 5 & 6 deal with the retail end of it. If you chose not do anything, these would be permitted by law within certain types of zones within the municipalities. The mayor and governing body decided to take action before the deadline and there was an ad hoc committee created to examine this and the recommendation that was carried forward is to permit all six classes within certain areas of certain zones. In order to do that, we have to amend the city's zoning ordinance and that is the subject of tonight's discussion. There will be four separate ordinances and three were handed out, but the last one deals with the local licensing of cannabis businesses and will be introduced at tomorrow night's council meeting. The businesses will also have to acquire the state license that is required. It is unknown how many state licenses are even going to be issued, which is also part of the frustration because a lot of time, effort and costs have gone into this work and we still don't know the number. At this point, all we can worry about is our town. We want to position our self the best we can and then when the State reports to everyone, we will make adjustments if we have to. All three ordinances are related to modifying land use regulations. The main ordinance is #10, which amends zoning throughout the city in various zones impacted by these changes. The other two ordinances deal with the active redevelopment plans that the city has: the Absecon Gardens building on NJ Avenue and the old ballfields/firehouse site. He explained how redevelopment plans work and the need to do two separate ordinances for each redevelopment plan. The ordinances propose the adding of an additional conditional permitted use within the zones mentioned. They did not add the uses to the whole zones either. One condition is to be located in one of the designated areas and the second condition is that the applicant must obtain a local license from the City of Absecon, which requires them to comply with all the conditions of the licensing ordinance. There are prohibited uses in our ordinance now that are not allowed in our town at all and this ordinance would be adding another one that would be: "on site consumption of cannabis in connection with any licensed cannabis establishment." This will not allow anyone to use the cannabis on site. They could buy it and take it with them.

Bob – asked if the city had decided not to allow it in the town, it wouldn't prohibit it from being delivered to someone from another town?

Eddie – it's his understanding that it would prohibit the Class 6 use and a delivery business opening in Absecon if they didn't allow it. You can't make it illegal for anyone else to deliver into Absecon.

He then referred to the color-coded map showing the three areas being carved out in the city that would permit the certain groupings of classifications. He described each area and the locations where the classes would be permitted.

Motion to open the meeting to the public – made by Betty Howell – second – Holly Gersh
All were in favor.

Greg Seher – 625 Yarmouth Ave. – he suggested that it is inconsistent with the Master Plan as the ordinance reads now. The Master Plan had several recommendations and have not been adopted yet. They included ways to make downtown a "place making destination", which is to get people down to an area and stay there and socialize. That's why we suggested to add breweries be allowed down there; increase the parking allowability and other ways. He feels this ordinance goes against trying to keep people downtown.

Bob – due to the limited number of licenses that are anticipated, it's not like we are going to have many of these places. It could be maybe one at best. He agrees on how he explained the Master Plan, but he doesn't think this is going to disrupt that. This is his personal opinion.

Joe – told the board that if they have recommendations or concerns, they can send them to council and then they could accept it and make the changes or reject it. There is a protocol to answer within 35 days to do this.

Bob closed the public portion.

Mayor – we realized that 67% of our residents were in favor of this and we felt we wanted to have some control over it and moved forward. A lot of time has gone into it and the areas where it would be allowed. This is in the best interest of who voted in favor of it.

Betty – agrees that the city had to move on this and make a decision and take control of it. The income was never mentioned that the city would get. She believes it's 2% on everything except the retail, which would be 1%. We would get the fees from the city's licensing fees as well and the yearly license renewal.

Lou – confirmed that any zones that are approved for the uses shown on the map, do not allow consumption of it on those properties. Is the city taking it to the next level as far as consumption within the community?

Eddie – the answer is yes. It's not in any of the documents before you tonight, but there is an ordinance on for tomorrow night's council meeting.

Jessica – there is already an ordinance that exists that does not allow smoking in the parks, but we are expanding it to add more than the parks listed and spelling out cannabis as opposed to any type of smoking to make it clear. We've increased the penalties as well. If we are fortunate enough for someone to build a facility, we would get additional property taxes.

Motion to approve the findings that the plan as presented is not inconsistent with the Master Plan and recommending a recommendation to City Council that Ordinance #10 could be approved was made by John Aleli – second – Lou Strugala

ROLL CALL: Aleli, yes; Gersh, yes; Horton, yes; Howell, yes; Reilly, yes; Thompson, yes; Strugala, yes; Tiberio, yes; Preston, yes

Joe will be sending a letter on behalf of the Planning Board to Council tomorrow.

APPROVAL OF BILLS

Joe McGroarty – Erica Corea – \$780.00

Motion to approve: Kim Horton – second – Holly Gersh

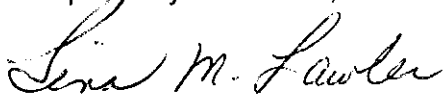
All were in favor.

ADJOURNMENT

Motion to adjourn – John Aleli – second – Deb Reilly

All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 12/8/21