

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Rd Glen Gardner, N.J.**

April 6, 2021

The 934th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Chairman Gary MacQueen. Present were: Ms. Koehler, Mr. Duckworth, Mr. Schmidt, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. Abuchowski, 1st Alternate Mr. Skidmore, Attorney Gallina & Engineer Ted Bayer.
Excused: Mr. Weiler

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on March 2, 2021, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on March 31, 2021.

PRESENTATION OF MINUTES: March 2, 2021 Reorganization/Regular Meeting

Motion by Mr. Piasecki and seconded by Mr. Duckworth to approve the minutes as presented. Unanimously approved.

NEW BUSINESS:

Brookside Farms Block #7 Lot #3
Greg DeStefano 2027 Route 31 B2 zone
2027 Route 31
Glen Gardner, N.J. 08826

PUBLIC HEARING Minor Site Plan/Bulk Variances

Ms. Glashoff informed the board that Mr. DeStefano would not be proceeding with his application this evening and read into the record the letter received from Lanza & Lanza asking to be rescheduled to the May 18, 2021 meeting date. Ms. Glashoff stated that they are revising the site plan and adding the variances that are needed. They will be re-noticing for the May 18th date. Motion by Ms. Koehler and seconded by Ms. Bleck to grant the new hearing date to May 18, 2021 at 7:00 p.m. Unanimously approved.

ITEMS FOR DISCUSSION:

a. Stormwater Management Ordinance Revised

Engineer Bayer reviewed for the board the changes that were made by the Township Committee. The board discussed the changes and were satisfied with the Township Committee's changes to the Ordinance. The Township Committee will be introducing the Ordinance at their April 7th 2021 meeting tomorrow night.

b. NJ Legal - Marijuana Legislation and Implementation - Bev Koehler, Committeewoman

Ms. Koehler has been researching and staying current with the new marijuana laws. She provided the Board with a document she prepared that gives a comprehensive overview of the recently passed recreational marijuana laws and decriminalization, the newly formed cannabis regulatory commission and the timeframes and constraints to implementation. It also included the impact on individuals, law enforcement and employees. Ms. Koehler said the information is current but subject to change as there are a lot of moving parts. Ms. Koehler stated that she spends a lot of her time staying current on the situation and will keep the Planning Board and Township Committee updated as new information becomes available.

Ms. Koehler stated that there are six marketplace classes for licensed marijuana businesses and they are listed in the NJ League of Municipalities article that appeared in the February edition and was distributed to the Board members. The following is a list of those marketplace classes:

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- a. **Class 1** - Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- b. **Class 2** – Cannabis Manufacturing License for facilities involved in the manufacturing, preparation and packaging of cannabis items;
- c. **Class 3** – Cannabis Wholesaler License for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- d. **Class 4** – Cannabis Distributer License for businesses involved in transporting cannabis plants in bulk from on licenses cultivator to another licenses cultivator or cannabis items in bulk from any type of licensed cannabis business to another;
- e. **Class 5** - Cannabis Retailer License for locations at which cannabis items and related supplies are sold to consumers; and
- f. **Class 6** - Cannabis Delivery License for businesses providing courier services for consumers purchases that are fulfilled by a licenses cannabis retailer in order to make deliveries of the purchased items to a consumer and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

Chairman MacQueen asked if the state is going to approve all this. Ms. Koehler said the recreational marijuana law and additional enabling legislation was already passed and signed into law in February by Governor Murphy. Chairman MacQueen asked if all the municipalities in the state have to come up with their own ordinance to implement all this. Ms. Koehler went on to say, that the municipalities have 6 months to decide whether to allow marijuana businesses within the six marketplace classes and that under the state law, if municipalities do not adopt an ordinance by August 22nd marijuana businesses would by default would be allowed to operate in the municipality for 5 years. Mr. Schmidt said in reviewing the six classes, what we need to do is to decide which one or ones we will allow, but not class six since we have no jurisdiction.

Ms. Koehler discussed that legal sales of recreational marijuana will take time because the initial legal sales of recreational marijuana will take place only at medical dispensaries and there are restrictions that will impact timing. Medical marijuana dispensaries can begin selling recreational marijuana to the public once they certify that they have enough marijuana for NJ's nearly 100,000 patients and a surplus of recreational inventory for those 21 and older. Ms. Koehler stated that in the meantime, the Township needs to decide how we want to proceed. Ms. Koehler stated that even though recreational marijuana has been legalized and decriminalized, there will still be changes coming and it could take months or years to work everything out. Ms. Koehler discussed the impact on the police and that the Township will acquire body cams for the officers by June. By law, the body cams must be turned on if officers approach a person who is under 21 and suspected of using marijuana. Ms. Koehler also discussed that police are barred from using just the smell of marijuana as a basis for a search, except in cases of possible DUI. At this time, Officers can only issue warnings to the underage person with a copy to their parents. Ms. Koehler said that smoking marijuana in public places is prohibited.

Mr. Schmidt asked what the consensus is of the Township Committee regarding the ordinance. Ms. Koehler said it appears that some things may be allowed with restrictions. Ms. Glashoff asked since this is a complicated and sensitive issue would it be worthwhile for the Township Committee and Planning board to have a joint meeting to discuss all the issues involved. Ms. Koehler said that the Township committee will be reviewing the first draft of the ordinance tomorrow night and agreed that a joint meeting would be beneficial. Ms. Koehler said the state is looking to issue 37 licenses initially and that the Township Committee is looking to restrict the areas of the Township in which marijuana businesses can be conducted, like retail sales could be confined to the B2 Zone which is 'Highway Commercial' and other business classifications could be confined perhaps to the Industrial Zone I5 and B1 Zone which is Neighborhood businesses. Ms. Koehler again reiterated the "5 year rule" stated earlier and mentioned that at this time, it was unclear if a marijuana ordinance can be amended within the 5 year period.

Ms. Koehler discussed a case study in Gloucester Township where the Township dragged its feet on an approval for a greenhouse grower and then decided not to approve because they did not consider

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marijuana a flowering plant as designated in the existing Township Ordinance for horticulture businesses. The Township lost in court on the grounds of delays in their decision to approve or not approve and that marijuana does fit the category of a flowering plant.

The question was asked if the state was going to license each person. Ms. Koehler responded that licensing, regulating, overseeing and reviewing all aspects of marijuana in the state would be the job of the newly formed, five-member Cannabis Regulatory Commission. Mr. Skidmore asked, does the Township have to do licensing and would there be "C" licenses, background checks and would we get money? Ms. Koehler said it is too soon to know and they are backing their way into these laws. The question was asked where any dispensaries are located. Mr. Piasecki said there is one in Union & Cranberry. Mr. Piasecki said he heard they were talking about making the old Walmart store up in Whitehouse on Route 22 a marijuana location. Chairman MacQueen asked if there were any more questions of Ms. Koehler. There were none.

c. NJ League Municipalities – Legal Q/A (Preparing for Adult Use Marijuana Roll Out)

d. NJ League Municipalities Article - Legislative Update

e. Lighting Ordinance – Bev Koehler, Committeewoman

Chairman MacQueen referred to the Lighting Ordinance and asked Ms. Koehler for an update. Ms. Koehler said she would like to propose that Abe, Josh Rich and she form a subcommittee to work on making changes to the existing lighting ordinance to include requirements for residential lighting as there are none. Ms. Koehler mentioned that Engineer Bayer had provided a draft from Chester Township and Lacey Township. Ms. Glashoff suggested looking at lighting ordinances from within Hunterdon County. Ms. Koehler agreed. Ms. Koehler said she has reference material on "Dark Sky Lighting" from Nancy Lawler from the Environmental Commission. Mayor Schmidt forwarded the information to Ms. Koehler for consideration when creating the residential portion of the code.

Ms. Glashoff asked if it were possible to extend the time from 1 year to 2 years on commercial lighting on a Site Plan. Once the lighting is approved by the Board Engineer at the time of CO, we have jurisdiction for only 1 year. Ms. Glashoff said we had a problem down on Route 31 with an applicant who after getting approval on the lighting changed it and we had complaints since the lighting was shining on the highway. The applicant thought the year was up and we had no jurisdiction when the year doesn't start until the CO is issued. Chairman MacQueen said they can consider that also. The board discussed this issue at length. At the conclusion the board's discussion, motion by Ms. Bleck and seconded by Mr. Duckworth to appoint Ms. Koehler, Mr. Abuchowski and Mr. Rich to the Lighting Ordinance subcommittee. Unanimously approved.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 450.00
b. Bayer/Risse Engrs.	\$5,005.00
Total:	\$5,455.00

Motion by Ms. Bleck and seconded by Mr. Rich to approve the vouchers for payment. Unanimously approved.

CORRESPONDENCE:

a. NJPO Newsletter – January/February 2021

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CORRESPONDENCE: Continued

- b. Law of the Land – NJ Supreme Court Holds That MLUL Prohibits Municipalities from applying new zoning ordinances within 2 years of Developer’s rights.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Ms. Koehler to adjourn the meeting at 7:48 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK