

Meeting audio can be found at lebanontownship.net.
Timestamp in blue.

Lebanon Township Committee
September 21, 2022

Minutes of Regular Meeting
Woodglen School

CALL TO ORDER

Mayor Mike Schmidt called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of the First Responders, Servicemen and Women and people of Ukraine.

ROLL CALL

Present - Mike Schmidt Thomas McKee Marc Laul
 Beverly Koehler Guy Wilson

Absent-

Also Present - Attorney Matthew Lyons, Clerk Karen Sandorse, and approximately 175 members of the public.

1:05

Mayor Schmidt thanked the Woodglen School staff for their hospitality in hosting the Township meetings at the school as well as the Township Administrative staff and the Department of Public Works for their efforts.

PRESENTATION OF MINUTES

1:50

Minutes of the Special Meeting of August 10, 2022, Minutes of the Regular and Executive Session Meetings of August 17, 2022 and Minutes of the Regular Meeting of September 7, 2022

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Minutes of the Special Meeting of August 10, 2022, Minutes of the

Regular and Executive Session Meetings of August 17, 2022 and Minutes of the Regular Meeting of September 7, 2022 (as amended).

August 10, 2022 Special Executive Session minutes are tabled to a later meeting.

5:15

Ordinance No. 2022-10 Prohibiting the Operation of all Classes of Medicinal Cannabis Businesses

Mayor Schmidt read the proposed Cannabis Ordinance and provided comments.

PUBLIC COMMENTS – regarding the Cannabis Ordinance only.

15:46

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:16 p.m.

Comments and recommendations were received from Mr. Richard Webb, Mr. Bill Bohn and Mr. Mike Iannace regarding the draft ordinance.

Ms. Sharon Petzinger commented on hydroponics farming.

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:44 p.m.

44:57

The Committee reviewed the proposed ordinance giving consideration to comments received from the public. Discussion held.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee amended the ordinance to add “warehousing” in the final WHEREAS clause and in first and second ORDAINED clauses, between wholesaling and distribution.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee amended the ordinance by inserting “Planning Areas” right after Preservation and to make “Area” plural in the Third WHEREAS clause.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee amended the ordinance to add an 8th WHEREAS clause: WHEREAS, the Township Committee of the Township of Lebanon has determined that the presence of ATCs and other medicinal cannabis establishments in the Township would be inconsistent with the efforts in the Township’s public and private schools to promote respect for the law and discourage substance abuse and necessary and appropriate and in the best interests of the health, safety and welfare of the Township’s residents; and

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee amended the ordinance to add a 9th WHEREAS clause: WHEREAS, the Township Committee of the Township of Lebanon has determined that ATCs and other medicinal cannabis establishments present similar zoning concerns as those cannabis establishments regulated by Ordinance No. 2021-07, and should be regulated consistently in order to implement a rational zoning plan; and

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee amended the ordinance to add a 10th WHEREAS clause: WHEREAS, the Township Committee of the Township of Lebanon acknowledges that State Law allows that the legitimate needs of Township residents and visitors to obtain cannabis products as medically required can be adequately served by ATCs, medical cannabis dispensaries and cannabis delivery services located in other municipalities; and

1:20:30

Motion by Mr. McKee, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee opened public comment limited to the Cannabis Ordinance at 8:20 p.m.

Comments were received from the public regarding value judgements with regard to establishments, ordinance must include every possible process in manufacturing, concerns with paraphernalia being displayed in the local stores, requests to not ban hydroponics.

The Committee was thanked for including the public and private schools in the ordinance, for giving the parents the ability to speak to their children about marijuana, not the government, concerns with the possibility of cannabis being given away in exchange for the purchase of another item.

Concerns were raised about signs or billboards that relate to drug use and cannabis. The Committee will consider placing language in the sign ordinance relating to such.

The Committee was thanked for listening and working with the public.

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 8:37 p.m.

Ordinance No. 2022-10 Prohibiting the Operation of all Classes of Medicinal Cannabis Businesses

Introduction

1:38:00

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2022-10 on First Reading as amended and titled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2022-10
PROHIBITING THE OPERATION OF
ALL CLASSES OF MEDICINAL CANNABIS BUSINESSES
AND AMENDING SECTION
OF LEBANON TOWNSHIP CHAPTER 400 "ZONING" - §400--9(A-C)

Public Hearing to be held on November 2, 2022

Change location of November 2, 2022 meeting.

1:39:18

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee changed the location of the November 2, 2022 meeting to the Woodglen School.

Public Comment

1:41:56

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Committee opened the public comment portion of the meeting for agenda items only at 8:42 p.m.

There were no comments from the public.

Motion by Mr. Wilson, seconded by Mr. Laul, and carried by unanimous favorable roll call vote, the Committee closed public comment at 8:42 p.m.

ORDINANCE

1:42:47

Public Hearing

Ordinance No. 2022-09 - Amending Ordinance No. 2022-06

Motion by Mr. Wilson, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2022-09 was opened.

There were no comments from the public.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2022-09 was closed.

Motion by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2022-09 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2022-09
AMENDING ORDINANCE NO. 2022-06
DESIGNATING THE NAMES OF PARCELS OF PRESERVED LAND IN THE TOWNSHIP OF
LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, on May 18, 2022, the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, adopted Ordinance No. 2022-06 designating the names of parcels of preserved land in the Township of Lebanon; and

WHEREAS, the Mayor and Committee wish to amend only the description of one parcel of preserved land in the Township of Lebanon, County of Hunterdon, now known as Sun Mountain Preserve.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Section 1.

1. Block 36, Lots 18.04 and 17.03, commonly known as Goracy Property shall now be known as Woodglen-Miquin Trail'
2. Block 49, Lots 89.01, 89.02 and 4.02, shall now be known as Anthony Preserve; and
3. Block 24, ~~Lot 2~~ Lot 2.01, shall now be known as Sun Mountain Preserve.

Section 2. A certified copy of this Ordinance shall be filed with County and State, as well as to the Environmental and Open Space Committee (EOSC).

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon adoption and publication according to law and filing with the Hunterdon County Clerk.

RESOLUTIONS

1:45:19

Resolution No. 88-2022 Plenary Retail Consumption License -Special Condition – Asdal Holdings, LLC

Motion by Mr. Wilson, seconded by Mr. Laul, and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 88-2022 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 88-2022
PLENARY RETAIL CONSUMPTION LICENSE
SPECIAL CONDITION

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted an application to the State of New Jersey Division of ABC; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00.

WHEREAS, the license has been inactive and the licensee has petitioned the Director of the Division of ABC for a Special Ruling pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, as the licensee is requesting relief for the 2021-2022 and 2022-2023 license terms, a Special Condition must be placed upon the license stating that no further renewals of this

license shall be granted unless the license is being actively used at an approved site on or before June 30, 2023, except if good cause for reconsideration is shown.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2021-2022 and 2022-2023 years: and

NOW, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that a Special Condition is placed upon License No. 1019-33-007-002; Asdal Holdings, LLC- 374 Vernoy Road, establishing that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2023, except if good cause for reconsideration is shown.

**Resolution No. 89-2022 - Renewing Plenary Retail Consumption License –
New Hampton Inn**

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 89-2022 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 89-2022
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00; and

WHEREAS, the license is currently in an inactive status effective July 25, 2022.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2022-2023 year: /

1019-33-005-002 THE NEW HAMPTON INN, INC. t/a New Hampton Inn
23 Musconetcong River Road

UNFINISHED BUSINESS

No Unfinished Business

NEW BUSINESS

1:48:35

Newsletter Review Process

Mayor Schmidt proposed that Mr. Laul review the newsletter prior to publishing. Ms. Koehler stated concerns with Committee Members conducting the review with no administrative review.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. Laul and Clerk Sandorse to review the newsletter prior to it being sent to the printer.

Potential Open Space Acquisitions

Mr. Laul stated that the Township has been approached by two individual property owners who are interested in potential land acquisition. One parcel is on Shady Lane, Block 49, Lot 89, with 18 acres. The other property, Blk 49 Lot 72, is on Anthony Road with 48 acres of land. The acquisition of the two properties would provide for an expansion of the Anthony Preserve.

The EOSC has endorsed the acquisitions and would like to move forward.

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee authorized Mayor Schmidt to contact Green Acres for the reappraisal questionnaire completion.

Blue Light Permit Application - Joseph Fullam

Mayor Schmidt requested to add a Blue Light Permit Application to the agenda.

Discussion held.

Mr. Wilson moved to approve the Blue Light Permit Application for Joseph Fullam, no second, motion failed.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee tabled the Blue Light Application until the Committee has time to review. AYES: McKee, Laul, Koehler NAYS: Wilson, Schmidt

PRESENTATION OF VOUCHERS

2:02:37

Committee Members provided a description of vouchers exceeding \$1000.00.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the September 21, 2022 bill list in the amount of \$36,592.67.

CORRESPONDENCE

2:05:25

- a. Richard Webb – Cannabis Proposal
- b. Curator's Report
- c. Fall fest this weekend

PUBLIC COMMENTS

2:08:41

Motion by Mr. Laul seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 9:08 p.m.

Ms. Ann Orlaski asked if there was a timeline for the potential land preservation.

Ms. Christine DeLorenzo provided comments on the NAR Group ownership.

Mr. Russ Snyder asked about Open Space Acquisitions and who will maintain the acquired properties.

Mr. Don Sherman commented on Constitution Day and encouraged the Committee to place on a future agenda.

Ms. Lisa Rivers informed the Committee that there is a distinction between legalizing marijuana and having a pot factory in the Township.

Mr. Mike Iannace suggested an ordinance that would require extraordinary procedures for any of the 6 properties listed on DEP website should there be any changes with the properties.

Motion by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 9:29 p.m.

ADJOURNMENT

2:29:44

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting 9:29 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 19, 2022

Mike Schmidt, Mayor