

Planning Board
Virtual Meeting
June 23, 2021

Statement of compliance read by Chairman Fagan.

Roll Call

Present:

Aimee Corzo

Andre Mitchell

Frank Kreder

David Branan

Liz Appezzato

Chairman Tom Fagan

Absent:

David Hollod

Also present, Board Attorney, Brian Schwartz and Mayor Lawrence La Ronde.

Pledge of Allegiance.

Reorganization:

Frank Kreder nominated Tom Fagan for Chairman. Seconded by Liz Appezzato.

All in favor.

None opposed.

Tom Fagan nominated Frank Kreder for Vice-Chairman. Seconded by David Branan.

Aimee Corzo - yes

Andre Mitchell - yes

Frank Kreder - yes

David Branan - yes

Liz Appezzato - yes

Tom Fagan – yes

Andre Mitchell nominated Dawn Gaebel for Secretary. Seconded by Tom Fagan.

All in favor.

None opposed.

Tom Fagan nominated Jennifer Bartholomew for Recording Secretary.

All in favor.

None opposed.

Attorney Brian Schwartz submitted a letter requesting to continue serving as the Planning Board Attorney. No other nominations.

All in favor.

None opposed.

Reorganization closed.

Regular meeting called to order at 7:10pm.

New member Mark Kruszczyński entered meeting.

Mayor La Ronde swore Mark Kruszczyński in with the oath of office.

Approval of Minutes:

David Branan made a motion to approve August 12, 2020. Seconded by Frank Kreder.

All in favor.

None opposed.

Minutes approved.

Old Business:

None

New Business:

Review of ordinance 21-05 which would amend Chapter 12-115 by allowing certain classes of cannabis, businesses, and specified zones within the Borough.

Aimee Corzo clarified comments made by the attorney.

The first comment, there is nothing to respond to.

The second comment about the businesses being close to schools, it's not in the ordinance because it is governed by the Federal Law 21 U.S. Code A60 that forbids distribution and manufacturing of controlled substances within 1000 feet of all schools, including higher ed.

For comment number 3, the answer is yes, there is a locational requirement. They are not permitted outside what is described in section 22-115.33 in the ordinance. The lawyers for the Borough denoted that by putting the word only and underlining it in each one of the class licenses.

For comment 4, designated commercial property, that was language for what the Borough designates as commercial.

For comment 5, she thinks it is a very good point because outside of the fronting of the R5 zone, the reason that was done was because even though it is zoned commercial, there are a few houses in the back and they didn't want the front of those businesses to be in their front lawn. Outside of that, the size of the building, parking, setbacks, the spirit of the ordinance was that they were to be considered the same and have to go through the same regulations and codes as all businesses. However, it is not specified in the ordinance so it is a valid comment.

Attorney Brian Schwartz stated his concern was that if there is an existing retail use and a retail use comes in to sell marijuana, they wouldn't have to come to a Board and the Borough wouldn't have any ability to review that kind of application. He also stated this is new and as time goes on municipalities will learn how to deal with the administrative details of how to deal with these uses. Because of how quickly this was implemented, there could be administrative problems that will have to be dealt with on a case by case basis.

Chairman Fagan stated Aimee Corzo and Steve McIntyre put together a sub committee to discuss this and they created a survey for the public.

Steve McIntyre stated the council published a survey to understand how Borough residents felt about it. The survey was only available to people who found out about it through online sources. The results of the survey were overwhelmingly in favor of all of the cannabis businesses. Delivery services cannot be banned from delivering to residents in town but they did choose to not allow delivery businesses to take residence in town because of already having problems with taxi companies. Having fleets of vehicles in town didn't seem smart to do right now without knowing more about it.

When the referendum question was on the ballot for the general election in November, North Plainfield voted 69% in favor of having cannabis be legal statewide, which was 2% higher than the state average of 67%.

When the question was asked in the survey, retail got a more favorable response from the residents than the other businesses did.

Aimee Corzo attended the last regulatory commission; the New Jersey marijuana and the President of the Planning and Zoning Board for the State was there and impressed upon them that towns need to know zoning implications because we have to abide by whatever regulations they come out with. They implied that they are going to leave it up to the town and their codes and they are not going to supersede that.

Steve McIntyre stated in the survey they asked residents whether they wanted limits on any of the licenses and whether they preferred retail on Route 22 only or in any commercial district. Most people were in favor of no limits. Most people were not in favor of only Route 22, they were in favor of retail anywhere in a commercial zone.

After Aimee Corzo consulted with the Police Chief and he brought up an issue of having the retail establishments a little bit further away from residences, they came up with the ordinance that limited the retail to areas along Route 22 to limit those under the legal age of 21 from hanging out in front of the businesses and asking adults to make purchases on their behalf.

No Public comments.

Aimee Corzo recommended putting under conditions that it is specified that they adhere to all codes just like any other businesses. She mentioned the ordinance from the council, therefore be it further ordained that any article, section, paragraph, subsection, clause, or other provisions of the Borough code of the Borough of North Plainfield inconsistent with the provisions of this ordinance is thereby repealed to the extent of such inconsistency. She asked if someone could challenge whether they would for example have to go to the Architectural Review Board for signage if everything is repealed. It should be made clear they would have to go through the same process as any business.

Attorney Brian Schwartz stated you need that language in the ordinance to make it clear if there is inconsistency between this ordinance and any other ordinances that this one is going to supersede the other one. It is typical of ordinance language and contract language.

Brian Schwartz's concern is that if someone comes into a Board and says they are in the R5 zone but they don't front on Route 22, it is permitted in the zone so it should be a permitted use and they shouldn't have to prove a use variance. It is something the attorneys will have to deal with when the time comes.

Chairman Tom Fagan asked Brian Schwartz if any applications that come would be subject to pre-existing land use ordinances. Brian Schwartz answered that it does so long as it's not inconsistent. It doesn't change the zoning ordinance. If someone has a retail use on Route 22 in the zone it's permitted and a convenience store changes to a cannabis sales place, they don't have to come to a Board. There's no different parking requirement, no setback requirements, they are going to be permitted without coming to a Board. If they are in the zone but just off of Route 22, they will have to come into a variance and come before a Board.

Brian Schwartz stated in his resolution he took out the last part of the next to last paragraph. The paragraph will end with be codified into the Borough's Land Development Ordinance; and it's further resolved.

Andre Mitchell asked if there was any consideration as to the maximum number of retailers permitted in the Borough. Aimee Corzo stated it was discussed but they did not set a number. Location was restricted to a section of Route 22. They do not anticipate a lot. Steve McIntyre said licenses will be issued by the State and most likely will be limited, not everyone who applies will get one.

Motion to accept the resolution that was amended by Brian Schwartz made by David Branan. Seconded by Liz Appezzato.

Aimee Corzo - yes

Andre Mitchell - yes

Frank Kreder - yes

David Branan - yes

Liz Appezzato - yes

Tom Fagan – yes

None opposed.

Motion made to approve the resolution for hiring Brian Schwartz as the Planning Board Attorney by David Branan. Seconded by Liz Appezzato.

All in favor.

None opposed.

Motion to adjourn the meeting made by David Branan. Seconded by Frank Kreder.

All in favor.

None opposed.

Meeting adjourned.