

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
April 20, 2021  
7:00 P.M.**

A remote access meeting of the Egg Harbor City Municipal Land Use Board was held on April 20, 2021. Those in attendance were Mayor Jiampetti, Council Representative Karl Timbers, Chairman Jack Peterson, Fire Department Representative John Garth, Regular Members; Dennis McKenna, Michael McKenna, Keith Mullineaux, The Mayors Representative Marie Johns, Leo Manos Esquire, Land Use Board Engineer Ryan McGowan and Secretary Donna Heffley. (Not Present were Regular Member; Gladys Torres and Alternate #2 DaShaun Hare).

Chairman Peterson opened the meeting with the flag salute.

Chairman Peterson called the meeting to order and made the following announcement.

This meeting was advertised pursuant to the NJ Open Public Meetings Act N.J.S.A. 1:4-6 Seq. Notices were sent to official publications for the Egg Harbor City Municipal Land Use Board; the Press of Atlantic City, the Egg Harbor News, the Atlantic Current and the Hammonton Gazette. A copy of the notice was posted on the bulletin board of the Egg Harbor City Municipal Building.

Chairman Peterson directed the Secretary to enter this public announcement into the minutes.

**Roll Call:** Mayor Jiampetti absent, Mr. Timbers absent, Chairman Peterson present, Vice Chairman Warker present, Mr. Garth present, Mr. Mullineaux present, Michael McKenna present, Dennis McKenna present, Mrs. Torres absent, Mrs. Johns present Mr. Dixon present Mr. Hare absent, Mr. McGowan present, Mr. Manos present and Secretary Donna Heffley present.

Chairman Peterson noted Marie Johns is present her microphone is not on.

Chairman Peterson asked for comments or changes on the minutes, there were none.

**Approval of Minutes:** March 16, 2021 and April 5, 2021

Upon motion made by Mr. Mullineaux, seconded by Mr. McKenna and carried the minutes were approved.

**Approval of Resolution:** Resolution 01-2021 Consistency Report on Ordinance No. 5 2021 of the City of Egg Harbor Amending Chapter 170 of The City Code regarding Cooperative Sober Living Facilities.

Mr. Manos noted Mr. Timbers is present at the meeting.

Mr. Manos noted there was a Special meeting on April 5, 2021 with a quorum of five members present and discussed in draft form, the Sober Living Ordinance which was introduced by City Council a few days later with no changes. The Board determined the Ordinance was not inconsistent with the Master plan and consistent with the memorandum that Ryan McGowan prepared which will become part of our Master Plan Re-examination. This is a formality to memorialize that consistent determination in the form of a resolution. In this case only the Members that were part of this discussion should vote on this resolution and Members not present at the April 5, 2021 meeting should abstain.

Upon motion made by Dennis McKenna, seconded by Mr. Timbers.

**Roll Call:** Mayor Jiampetti yes, Mr. Timbers yes, Mr. Peterson yes, Mr. Dennis McKenna yes, Mr. Michael McKenna yes. Other members not present at the Special meeting held on April 5, 2021 abstained.

Mr. Manos would like the signed resolution sent to the City Clerk along with the Memo from Ryan McGowan.

**New Business:** The City Attorney, Angela Costigan was present to discuss the new Cannabis Legislation with Board Members and Professionals.

In November of 2020 marijuana was legalized in the State of New Jersey.

On February 22, 2021 Governor Murphy signed the Cannabis Act which legalized recreational use of marijuana for adults 21 and older and established a regulatory system for giving out licenses to cannabis operations within the State. The act also provided that Municipalities could opt out of allowing any of these businesses in their town. The decision must be made by August 2021 by ordinance. The decision the City makes will be locked in for five years. Zoning must be reviewed and the Municipality must decide what they would like to do or not do. The Act establishes six marketplace classes of licensed businesses:

- Class 1 - Cannabis cultivator license
- Class 2 - Cannabis manufacturer
- Class 3 - Cannabis wholesalers
- Class 4 - Cannabis distributor
- Class 5 - Cannabis retailer
- Class 6 - Cannabis delivery service.

Municipalities can allow all of these classes of businesses into their Municipality or can opt out of any or all. Taxes can be charged for having these businesses in your Municipality which could be a serious consideration for Egg Harbor City. Mrs. Costigan reviewed the taxes that can be charged for the different classes.

Mayor Jiampetti arrived at the meeting.

Mrs. Costigan listed some of the towns that have opted out and some of the towns that are opting in.

**Questions and Comments from the Board:**

Mr. Mullineaux inquired about taxes that can be collected by the City.

Mrs. Costigan noted zoning is important and the town must decide where these businesses will be located in the City if they would like to opt in.

Mrs. Costigan discussed the different types of licenses that will be required by the state and then the applicant would notify the state where they would be located.

Mr. Timbers discussed licenses and the revenue it could generate for the City. The City is trying to gather as much information on this subject as possible to make the most informed decision for the City.

Mr. Timbers reviewed some of the restrictions on the location of these businesses.

Mr. Warker expressed his concerns and feels the City should be cautious on moving too fast to allow businesses into town because once they do the City is locked in for five years and those businesses will be allowed to remain after the five years.

Mr. Dixon expressed his concerns on this topic and noted the location of these businesses will be an important decision. The businesses will be licensed and regulated with rules and the revenue they will generate will be beneficial for the City.

Mr. Garth expressed his concerns and feels the money cannot be the only decision maker. Retail can always be added later we do not have to add it right away because if it does not work after 5 years then we are stuck with those businesses. Growing and manufacturing is ok start slow.

Chairman Peterson, believes the retail spaces can be regulated. If the City chooses to opt in for the first five years only allow a certain number of businesses, after five years the City can decide if more should be allowed. Chairman Peterson believes the City should act on this opportunity now cannabis is growing in popularity not only as a recreational drug but also cooking with cannabis, the possibilities are unlimited.

Mr. Warker suggested a three-step plan and take it slow. Start out with the manufacturing and if goes well then add retail stores later. Once you have 3 or 4 businesses you have them forever.

Mr. Peterson asked about other towns and what they are doing.

Mayor Jiampetti noted there is more land available in other Municipalities that people are going to take advantage of. Egg Harbor City has very limited space and should take advantage of this now while the City has the opportunity.

Chairman Peterson and Mayor Jiampetti discussed this matter further.

Mr. Manos asked for clarification if we do nothing by August 21 then we essentially opt in then retail will be permitted in any commercial zone after August 21.

Council would like a recommendation from the Land Use Board if not tonight at the May 18, 2021 Land Use Board meeting.

Mayor Jiampetti noted the City is working on the Master Plan at this time and it is a good opportunity to think about what the City wants on the topic of cannabis. Certain zones have been suggested such as the White Horse Pike, The Industrial Park or on Philadelphia Avenue. We can control the location at this time and choose the most appropriate zone.

Members and Professionals discussed the Industrial park and if there was any more ground available for expansion.

Mrs. Costigan, Professionals and Members discussed allowing retail for Philadelphia Avenue and the White Horse Pike. Conditions can be regulated.

Mrs. Costigan noted the Chairman can ask the Board if they would like to opt in. Chairman Peterson noted personally he would like to opt in with 4 businesses being allowed. In five years, we can decide if we want more businesses or not.

Mr. McGowan noted the Board does not have to vote on this tonight. The Board can take a little more time and make the recommendation at the next Land Use Board Meeting scheduled for May 18, 2021

The Mayor noted it would be beneficial for Land Use Board Members to watch the link provided by Phil Sartorio and also an article in the planning magazine that discusses the pros and cons of the cannabis topic. The Secretary will forward this information to Members and Professionals once received

Mr. McGowan discussed two potential commercial areas for retailers; Philadelphia Avenue and the White Horse Pike. The Industrial Park area is also an option.

Mrs. Costigan noted you cannot opt out of delivery services, this you cannot stop.

Discussion continued on this topic.

Phil Sartorio will provide the link to share with the Board and Professionals for a webinar with the NJ Planning Association. Mr. Sartorio believes this is good economic development tool particularly for Philadelphia Avenue in the NPP district. Looking at the experience they had in Massachusetts he described their retail area which draws in people and then they tend to shop in other businesses. Mr. Sartorio suggested the two vacant bank buildings on Philadelphia Avenue are an ideal location with the security elements they already have built into them. With the State security of the site is a big issue. Mr. Sartorio would like to see more of the retail shops on Philadelphia Avenue then on the White Horse Pike.

Mr. Dennis McKenna expressed his concerns about this topic and feels this will be regulated heavily and the City needs the tax revenue this would be very beneficial.

Chairman Peterson expressed his concerns and feels the Professionals should continue to look into this matter further so the Board can make an informed decision.

**Old business** - none

**Questions and comments:** none

**Public Comments – none**

**Adjournment:** Upon motion made by Mayor Jiampetti, seconded by Mr. Timbers and carried the meeting was adjourned.

**Respectfully submitted**  
**Donna Heffley**  
**Land Use Board Secretary**