

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
May 18, 2021
7:00 P.M.**

A remote access meeting of the Egg Harbor City Municipal Land Use Board was held on May 18, 2021. Those in attendance were The Mayors Representative Marie Johns, Council Representative Karl Timbers, Chairman Jack Peterson, Fire Department Representative John Garth, Regular Members; Dennis McKenna, Michael McKenna, Keith Mullineaux, Leo Manos Esquire, Land Use Board Engineer Ryan McGowan and Secretary Donna Heffley. (Not Present were Mayor Lisa Jiampetti, Regular Member Gladys Torres, Alternate #1 Andrew Dixon, 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 present, 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 absent, Mr. Hare absent, Mr. McGowan present, Mr. Manos present and Secretary Donna Heffley present.

Phil Sartorio and Nanette Galloway were also present.

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

Approval of Minutes: April 20, 2021

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

New Business: Discussion continued on the Cannabis Legislation and Recommendation to City Council.

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 Municipally 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.

Mr. McGowan gave a brief review on this matter. Mr. McGowan discussed other towns that are opting in or opting out. Mr. McGowan noted it seems as though the Board is in favor of having four classes in the Industrial Park. The retail is what the board needs to discuss and come to a decision on. The Board should also discuss operation hours of these businesses. Using liquor store hours as a model would be a good start for the operation. The number and location of retail stores is what the Board needs to discuss and decide on.

Mr. Peterson expressed his concerns about licenses and inquired how the cannabis license would work. Mr. McGowan addressed his concerns and noted that The Cannabis commission will determine who gets a license. The City could write their own local rules which license holders would also have to be follow.

Mr. Manos noted the State issues the main license. Mr. Manos noted Council is looking for a Recommendation from the Land Use Board concerning the six classes. There are 4 classes grouped into the Industrial area. The 6th category which is the delivery service has to be permitted, anyone can deliver and pass through the town. Class 5 the Cannabis Retailer is what the Board needs to discuss. City Council would like the input of the Land Use Board on where and how many retail stores should be allowed.

Mr. Timbers referred to the City of Bayonne, New Jersey who has opted in and has an Ordinance establishing zoning and licensing requirements for regulated cannabis establishments. Mr. Timbers suggested the Board take a look at their ordinance as a model and discussed their fee schedule and the amount of revenue this could generate for the City. There are also taxes that can be charged in addition to the fees.

Mr. Mullineaux, noted Mr. Timbers brought up last month that the people of NJ voted for the legalization of cannabis. Mr. Mullineaux noted the newspaper reported 62% of people in NJ wanted the legalization of cannabis. The City should move forward with this process to bring in more revenue for the City.

Mr. McGowan discussed the importance of the Land Use Board recommendations and how they benefit City Council when making their decision and then it will return back to the Land Use Board for review.

Mr. McGowan explained the term opt in and opt out to Board Members. The City is opting to enforce its own local regulations rather than just blindly accept what the State is putting out. The City is opting in with conditions which the City will set.

Mr. Manos discussed the fees that Bayonne has put in place for licensing and noted Council will have to establish the City fees that will be required and the number of licenses.

Board Members and Professionals continued discussion on retail businesses and licensing.

Mr. Garth expressed his concerns on this matter. Mr. Garth is in favor of all the classes except the retail stores. Mr. Garth asked which surrounding towns have agreed to retail.

Mr. Warker noted that Nanette Galloway provided an article to Members listing the towns that are opting in or out.

Mr. McGowan noted opting in, in some form are Northfield, Absecon and Atlantic City. Mullica Township, Ventnor and Margate are opting out.

Mr. Dennis McKenna's opinion is the City needs this revenue.

Mr. Timbers discussed delivery. He also noted the State will require a certification and delivery people will have to carry a State issued license.

Mr. Peterson's would like the City to opt in for everything, developing their own ordinance establishing fees and controlling as much as possible. He would also be in favor of one or two retail stores, one on the White Horse Pike and one in the Downtown area. Mr. Peterson believes there is a lot of potential and the City should act on this in the beginning and not wait five years.

Mr. Mullineaux is in favor of all classes.

Mr. Dennis McKenna is in favor of all classes.

Michael McKenna is in favor of all classes and one business on Philadelphia Avenue and one on the White Horse Pike with required fees set by the City.

Marie Johns expressed her concerns.

Todd Warker is in favor for everything except the retail. Mr. Warker believes for the first 5 years take it slow and see what it does and brings into the town before moving forward with retail.

John Garth is in favor of all of the classes except for the retail. Mr. Garth does not believe this decision should be based entirely on the revenue it can generate for the City. Mr. Garth noted whatever the outcome of the vote certain conditions can be established that must be met.

Nanette Galloway had a couple of comments and questions. Nanette discussed licenses and suggested when issued to make sure they are used and not pocketed. Also, she suggested that local fees charged for licenses should be affordable so people can obtain them. This is a new industry that is being created and it will be big and a great opportunity for the City.

For voting purposes Mr. McGowan suggested grouping 4 of the classes together which are industrial uses and will be in the Industrial Park.

Class 1 - Cannabis cultivator license

Class 2 - Cannabis manufacturer

Class 3 - Cannabis wholesalers

Class 4 - Cannabis distributor

Mr. Manos and Chairman Peterson asked for a motion for the 4 classes

A motion was made by Mike McKenna, seconded by Dennis McKenna to permit the first four classes in Egg Harbor City not to opt out and to permit them in our industrial zone.

Roll call: Mr. Peterson yes, Mrs. Johns yes, Mr. Timbers yes, Mr. Garth yes, Mr. Michael McKenna yes, Mr. Dennis McKenna yes, Mr. Mullineaux yes, and Mr. Warker yes

A motion to permit the Delivery Service in our Industrial Zone was made by Mrs. Johns, seconded by Mr. Mullineaux

Roll call: Mr. Peterson yes, Mrs. Johns yes, Mr. Timbers yes, Mr. Garth yes, Mr. Michael McKenna yes, Mr. Dennis McKenna yes, Mr. Mullineaux yes and Mr. Warker yes.

A motion to allow two Retailers, one in the Retail Commercial Zone and one in Highway Commercial Zone was made by Mr. Michael McKenna, seconded by seconded by Mr. Dennis McKenna.

Roll call: Mr. Peterson yes, Mrs. Johns yes, Mr. Timbers yes, Mr. Garth no, Mr. Michael McKenna yes, Mr. Dennis McKenna yes, Mr. Mullineaux yes, and Mr. Warker no.

Mr. Manos will discuss with Angela Costigan, the City Attorney what the Board has recommended and see if she would like us to adopt a resolution or is a letter sufficient. If Mrs. Costigan would like a resolution memorized the Board can do that. If she wants it before the Land Use Boards June meeting, it may be a good idea to authorize Chairman Peterson to execute that resolution so City Council can move forward.

Motion was made by Mr. Dennis McKenna, seconded by Mr. Mullineaux and carried to allow Chairman Peterson to execute this resolution to City Council.

Mr. Garth and Mr. Warker expressed their concerns about available properties in the Industrial Park and owners not being cooperative to people who are interested in buying property and building.

Mr. McGowan asked if the Board would like to make a separate recommendation to City Council that Council consider allowing these through redevelopment plans at sites that are independently appropriate and not necessarily zoned industrial.

Mr. Peterson asked for a motion based on Mr. McGowan's comments and Mr. Manos can add this to the Boards Recommendation.

Mr. Peterson summarized this motion based on Ryan comments as the Board would be in favor of other approximate Commercial locations that are not in the Industrial Park including the first four categories and delivery.

Mr. Garth made the motion seconded by Mr. Mullineaux and carried. All members in favor.

Mr. Garth asked about security monitoring for retail stores and limiting where they can be located in the downtown area due to the 100 block businesses having limited parking.

Mr. Peterson and Mr. McGowan expressed their concerns on this matter and suggested further discussion at future meetings.

Old business - none

Questions and comments: none

Public Comments – none

Adjournment: Upon motion made by Mr. Warker seconded by Mr. Dennis McKenna and carried the meeting was adjourned.

Respectfully submitted
Donna Heffley
Land Use Board Secretary