



MINUTES

MERCHANTVILLE JOINT LAND USE BOARD

Borough Hall Council Chambers
1 West Maple Avenue, Merchantville, NJ 08109
Tuesday, August 14, 2018, 7:30pm

1. **CALL TO ORDER.** The meeting was called to order at 7:30pm.
2. **OPEN PUBLIC MEETINGS ACT.** The Chairman stated that the meeting is being held in accordance with the Open Public meetings act.
3. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE.** The Chairman led the pledge of allegiance and moment of silence.
4. **ROLL CALL.** The following Board members were in attendance: Chairman Patrick Brennan, Councilman Griffin Kidd, Vice Chairman William Lammey, James Uricchio, Jessica Stewart, Eric Benjamin, Louis Fiume, and Daniel Licata. Also present were Matthew Madden, Esq., Borough Solicitor, Mara W. Wuebker, PP/AICP, Community Development Director. The following Board members were not in attendance: Stephen Selverian and Scott DiSimone.
5. **CALENDAR OF OLD BUSINESS:**
 - **Resolutions**
 - Application # 2018-02. Atilda Conteh, 141 East Park Avenue & 30 Cove Road, Block 59, Lot 19. Bill Lammey made a motion to approve the resolution, which was seconded by Mr. Benjamin. All members present who participated in the hearing on June 2018 voted in favor of approving the resolution. Mr. Licata and Councilman Kidd abstained from the vote, as they were not present at the June meeting.
 - Application # 2018-03. Chris Claeys & Ingrid Juliano, 210 Browning Road, Block 15, Lot 4. Lou Fiume made a motion to approve the resolution, which was seconded by Bill Lammey. All members present who participated in the June 2018 hearing voted in favor of approving the resolution. Mr. Licata and Councilman Kidd abstained from the vote, as they were not present at the June meeting.
 - **Meeting Minutes**
 - June 12, 2018. Jim Uricchio made a motion to approve the minutes, which was seconded by Jessica Stewart. All members present and participating at the June 2018 meeting voted in favor of approving the resolution. Mr. Licata and Councilman Kidd abstained from the vote, as they were not present at the June meeting.
6. **CALENDAR OF NEW BUSINESS:**
 - Proposed Ordinance 18-11 Referral of Zoning Ordinance Amendment to Planning Board for Consistency with Master Plan and Recommendations, if any.
 1. The Chairman summarized that the governing body has forwarded the proposed ordinance to the Board. The Municipal Land Use Laws requires the governing body to send all development regulations to the Planning Board for recommendation. While the Planning Board has 35 days to

respond, it would be advantageous to review and make recommendations tonight, as the matter is somewhat time sensitive.

2. The chairman explained that medical marijuana is permitted in the State for various medical conditions. It's anticipated that recreational marijuana will be next. The governing body wants to get ahead of this issue and put regulations in place. It is his opinion, though, the State will likely put a lot of controls and restrictions on it, and not leave much local control to the localities, similar to liquor licenses. Currently, the drug free zones are 1,000' from schools and 500' from parks and government property. A map has been provided. There is a possibility that when recreational marijuana is permitted, any existing medical marijuana facility will be able to open their doors for recreational use, as well. So the Borough wants to think about where locations for medical and recreational would be most appropriate and the conditions that it wants to place on them - - with the understanding that the State Law may supersede any conflicting regulations.
3. Mr. Madden stated that there are currently 6 medical dispensaries in the State. One of them is located in Bellmawr, New Jersey with plans for expansion. It's not clear at this point how much control a municipality may have. While some types of matters are within the exclusive jurisdiction of the State, for most land use matters, municipalities can adopt more restrictive requirements than those adopted by the State. There are about 30 towns that have adopted regulations prohibiting ATC and recreational marijuana facilities in their towns.
4. Ms. Wuebker indicated that she knows of two towns that are specifically verbalizing their intent to permit recreational marijuana facilities if it becomes legal – Asbury Park and Jersey City. The State's Department of Health is currently issuing a request for applications, seeking to add an additional 6 medical Alternative Treatment Centers (2 in each region). She has received inquiries about the Borough's medical marijuana policy from separate entities. Rather than Ms. Wuebker making an interpretation as the Zoning Officer (such as it being permitted use, akin to a retail pharmacy), or sending it to the Board for an interpretation, the Mayor and Borough Council want to be in the position of putting controls in place.
5. Board members asked various questions, including whether it is possible to restrict consumption on the premises to goods purchased on the premises. There was discussion about screening product from public view from the street. In response to questions about where the specific locations B-1 & B-2 districts are, Mr. Madden shared several copies of the Zoning Map. The Chairman discussed that State will likely impose limitations based on population, similar to liquor.
6. Mr. Madden instructed the Board that it is tasked with evaluating the ordinance on consistency with Master Plan and any other recommendations it'd like to provide to the governing body. He explained that Ms. Wuebker has included excerpts of the Land Use Plan goals and recommendations of the Master Plan in her memo for the Board's reference. There was a discussion about whether New Jersey has required distances of sale of liquor from schools.
7. Ms. Wuebker stated that she has identified some items for discussion in her memo to the Board, such as the desired distance from schools, whether use or consumption should be allowed on the premises for recreational marijuana, whether there should be limitations on distances from other types of similar businesses. While Borough may be open to having medical or recreational marijuana facilities, the Borough probably does not want to be overrun by them. She noted that the Board may want to suggest a map be prepared to evaluate various proposed distances from schools. She is concerned about unintended consequences of distance restrictions. It is likely that the 500' distance from school properties may wind up making it only available to some of the

peripheral B-2 districts, such as the West End. Board members discussed whether the school currently uses Wellwood Park or whether it could lease any of the park in the future.

8. A Board member suggested a min sq footage requirement that would make it unlikely for cultivation to occur in the business districts. There was a discussion about whether it then would prohibit mom & pop enterprises and whether it could have an unintentional effect of changing the physical character of the business district, which wouldn't be desirable.
9. The consensus of the board is that if going to permit, we don't want to eliminate it from the B-1 district.
10. A board member expressed concern about buffers from adjacent residential uses and recommended that there be buffers required in the zoning ordinance between any uses in the B-1 and B-2 district and residential uses/residential districts - - not just limited to marijuana types of uses. Mr. Madden looked in the Zoning Ordinance and didn't see any current buffer requirements, other than for parking areas. Ms. Wuebker noted that a buffer requirement would be tricky because our B-1 and B-2 zones are both mixed-use zones.
11. Ms. Wuebker indicated while the zoning ordinance is being amended, she is also recommending some updates and needed corrections to the Zoning Ordinance at the same that she has experienced over the past 6 months since she started, which are included in the proposed ordinance, and are identified in the memo. Specifically:
 - a. Ms. Wuebker often receives zoning use requests for fitness and art studios – both are not articulated as permitted uses in the Zoning Ordinance.
 - b. The proposed ordinance treats gun sales, tattoo and piecing establishments different than other conditional uses. Currently, all of the conditionally permitted uses have a 1,000 ft separation requirement from a school and are only allowed on the ground floor, which was apparently a reaction to the gun store that went in near the centre st /chapel circle a few years ago. However, the logic does not carry over to other conditionally permitted uses, such as manufacturing which is also an identified conditional use and has been interpreted in the past to include commercial kitchens, microbreweries, furniture making.
 - c. she bolstered some of the nuisance language for the conditional uses to include odors, vibrations, sanitation.
 - d. The ordinance currently prohibits bowling alleys and electronic games, which seems outdated. The proposed amendment deletes those prohibitions. The Board may want to recommend that they be included as conditionally permitted use, as what was done in the Downtown Redevelopment Area that said need to serve food, too.
 - e. The proposed amendment fixes an error. Maple Chapel Redevelopment Zone is erroneously included in both the B-1 and B-2 section of the Zoning Ordinance when it only pertains to the B-1 district.
 - f. She also recommends that microbreweries be addressed in the ordinance at the same time. The Zoning Ordinance currently has microbreweries identified as a conditionally permitted use only in the Downtown Redevelopment Area – we may want to carry that same language over to all of B-1 and B-2 districts.
12. The Board discussed that the proposed amendments, including the marijuana portions and the other portions are consistent with the goals and recommendations of the Master Plan. Mr. Madden reiterated the recommendations discussed thus far.

13. James Urrichio made a motion, that was seconded by Lou Fiume, that the amendment be deemed consistent with the Master Plan and that the governing body give consideration to potential refinements of the amendment in advance of the adoption of the amendment including:

- a. an evaluation of the distance limitations for recreational marijuana retail facilities b/c as it is currently drafted, the distance requirement would be overly restrictive in the B-1 district.
- b. consider limiting the overall number Borough wide – either based on proximity of one facility to another or based on population, etc.
- c. consider imposing a minimum square footage requirement, such as 20,000SF, for marijuana cultivation facilities.
- d. consider allowing on-site consumption of marijuana within recreational facilities provided the product is purchased on-site only.
- e. consider requiring a buffer to be provided between any commercial use in the B1 or B2 zoning districts in the event such use is adjacent to a residential use or zone,
- f. (6) consider including microbreweries among the conditionally permitted uses within the B-1 and B-2 zoning districts with conditions similar to what has already been adopted for Downtown Redevelopment Area that is in the Zoning Ordinance.

Mr. Madden requested a vote on such motion, which resulted as follows:

Chairman Patrick Brennan	Yes
Vice Chairman William Lammey	Yes
Councilman Griffin Kidd	Recused
James Uricchio	Yes
Jessica Stewart	Yes
Eric Benjamin	Yes
Louis Fiume	Yes
Daniel Licata	Yes

7. PUBLIC COMMENTS

There were no members of the public present.

8. PROFESSIONAL COMMENTS

Mr. Licata and Councilman Kidd received their certificates recognizing their Board NJPO training. All other members stated they have received training. There was a discussion about the required storm water training and MEL Board training. The Board discussed doing both of these training sessions together using the video screen and chrome books.

9. BOARD COMMENTS

There was discussion about the status of the Rogers Ave subdivision project and making sure there are flags in the system to make sure zoning conditions taken care of, similar to taxes being required to be paid, prior to issuance of permits.

10. ADJOURNMENT. The Board adjourned about 9:15 pm.