

Planning Board Meeting 08/03/2023

TOWNSHIP OF OCEAN

Planning Board

August 3, 2023

6:00P.M

FLAG SALUTE

STATEMENT: Pursuant to the provisions of the New Jersey, Open Public Meetings Act, adequate notice of the meeting was properly provided by sending copies of the notice of meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Planning Board was held on the above date and time; Chairman Donald Lippincott called the meeting to order.

ROLL CALL

Members Present: Nicholas Bonamassa, Ralph Dawes, Anthony DeCondo, Donald Lippincott, Dr. Benjamin LoParo, Peter Nese, John Petrosilli, Aaron Shapiro

Members Absent: Robert G. Beck, Kenneth Baulderstone, Dr. Shawn Denning JR.

PROFESSIONALS PRESENT:

Jason Worth – T & M Associates

Steven Yost – Haines & Yost

APPROVAL OF MINUTES – July 6, 2023

- Mr. Shapiro motioned to approve minutes, seconded by Mr. Dawes. All in favor.

APPROVAL OF BILLS – Attached.

- Mr. Shapiro motioned to approve bills, seconded by Mr. Nese. All in favor.

CORRESPONDENCES:

- List attached.

INFORMALS: NONE

OLD BUSINESS: NONE

RESOLUTIONS: - 2023-04-PB, Petty Motor works c/o Tom Petty, Route 9 and Chapel Street Block 192 Lots 3, 5, 6, & 7, Minor Subdivision with no variances.

- Mr. Shapiro motioned to approve resolution, seconded by Mr. Petrosilli.

ROLL CALL

Mr. Shapiro – Yes, Mr. Petrosilli – Yes, Mr. Bonamassa – Yes, Mr. Dawes – Yes, Mr. DeCondo – Yes, Dr. LoParo – Yes, Mr. Lippincott – Yes

NEW BUSINESS:

- a.) **Ordinance No. 2023-17; An ordinance of the Township of Ocean, County of Ocean, State of New Jersey amending and supplementing Chapter 125 of the township Code entitled “Cannabis Business”**

- b.) **Ordinance No. 2023-18; An ordinance of the Township of Ocean, County of Ocean, State of New Jersey amending the Route 9 Phase 1 Redevelopment Plan**

Mr. Worth discussed that both ordinances 2023-17 and 2023-18 are referring to cannabis business within the township. The Township Committee has referred it back to the planning board for confirmation that these ordinances are in conformance with the goals of the masterplan. Ordinance 2023-17 is amending chapter 125 of the code, which establishes which classification of cannabis businesses are permitted within the township. Previously permitted was four different classes, now a fifth class for cannabis retailer is being added and permitted. The ordinance also amends the license and registration fees that the township collects for those classifications.

Mr. Worth discussed ordinance 2023-18 amends the Route 9 Phase 1 Redevelopment Plan which was adopted back in 2004, had amendments in 2005, 2006, and also 2021 to essentially permit cannabis retail establishments within that zone, which is west of Route 9 but between Volunteer Way and Memorial Drive, as it permits one such use only. Mr. Worth stated one cannabis retail use in that area only. Regulations regarding odor, noise, etc., in the cannabis overlay zone still applies in the redevelopment plan. Mr. Worth would offer to the board that relevant to the masterplan it does encourage the township to review and continually update the permitting uses in zones to match what is best to support those zones and to support development and redevelopment of existing shopping plaza's and centers. To make best use of that already developed land and to have little impact on the environmentally sensitive areas of the township, while utilizing existing shopping centers to minimize additional access points on Route 9 and other roadways. Mr. Worth noted by putting or allowing this use in an existing shopping center; it meets all those goals of the master plan.

Mr. Petrosilli inquired about the reference to fueling and electrical charging. Mr. Worth stated that is a new state law that it is required to have electrical charging stations for anyone developing properties for commercial purposes. Mr. Worth noted the township added it to the redevelopment plan so that there is not any confusion later on in the process.

Mr. Worth noted the only cannabis use in that area is retail, that cultivating and distribution of any of those four classifications are only approved in those overlay zones back off Route 9 and Wells Mills Road.

Mr. Yost provided to the board, N.J Stat. 24:6I-32; Findings, declarations relative to the regulation and use of cannabis.

Mr. Dawes inquired if we are legally required to permit this use. Dr. LoParo stated that it is the committee's choice. Mr. Dawes discussed that the townships masterplan speaks to a number of things including regulated uses, land uses, etc., and it speaks about the visions and public safety. Mr. Dawes inquired on how we interpret this ordinance on the impact of the community on public safety. Dr. LoParo stated there has been no incidents at the cannabis dispensary, and that we are here tonight to advise the committee if we think this retail establishment is in accordance with our masterplan.

Mr. Worth noted that the quality of life is always a goal of any masterplan. Mr. Worth stated, in this case the use is being put into an existing developed area within the town center and not in a residential neighborhood so that there is not a negative impact.

Board members hold discussion about recreational cannabis.

OPEN TO PUBLIC

- Mr. Shapiro motioned to open to the public, seconded by Mr. Bonamassa. All in favor.

No one came forward

CLOSED TO PUBLIC

- Mr. Shapiro motioned to close to the public, seconded by Mr. Dawes. All in favor.

MOTION TO APPROVE: Ordinance No. 2023-17

- Mr. Shapiro motioned to approve ordinance 2023-17, seconded by Mr. DeCondo.

ROLL CALL

Mr. Shapiro – Yes, Mr. DeCondo – Yes, Mr. Bonamassa – Yes, Mr. Dawes – No, Dr. LoParo – Yes, Mr. Nese – Yes, Mr. Petrosilli – Yes, Mr. Lippincott – Yes.

MOTION TO APPROVE: Ordinance No. 2023-18

- Mr. Petrosilli motioned to approve ordinance 2023-18, seconded by Mr. DeCondo.

ROLL CALL

Mr. Petrosilli – Yes, Mr. DeCondo – Yes, Mr. Bonamassa – Yes, Mr. Dawes – No, Dr. LoParo – Yes, Mr. Nese – Yes, Mr. Shapiro – Yes, Mr. Lippincott – Yes.

OPEN MEETING FOR GENERAL PUBLIC FORUM

- Mr. Dawes motioned to open, seconded by Mr. Shapiro. All in favor.

No one came forward

CLOSED TO THE PUBLIC

- Mr. Petrosilli motioned to close, seconded by Mr. Bonamassa. All in favor.

MOTION TO ADJOURN

- Mr. Shapiro motioned to adjourn, seconded by Mr. Dawes. All in favor.

MEETING ADJOURNED AT 6:27 P.M

NEXT SCHEDULED MEETING WILL BE SEPTEMBER 7, 2023 @ 6:31 P.M.

Laurie Clune

Board Secretary