

February 14, 2023

This meeting of the Neptune City Land Use Board was called to order by Vice-Chairman Randy Reynolds.

Flag Salute

ROLL CALL:

Present: Randy Reynolds, John Amoscatto, Michele McGuigan, Larry Cross, Craig Morcom, Erin Maciorowski, Sharon Williams and G. Vella, Esq.

Absent: Patricia Gerand, Robert Reynolds, Jr., Andrew Wardell, Danielle Pappas

This meeting was held pursuant to the provisions of the Open Public Meetings Law. An annual list of meetings was published in the Asbury Park Press and The Coaster and posted on the bulletin board in the Municipal Building. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

MINUTES: A motion to dispense with the reading of the minutes of the January 10, 2023 meeting and accept as received was made by Larry Cross and seconded by Craig Morcom. All in favor

Review and recommendations of Borough Ordinance 2023-01 Class 5 Cannabis Retailer.

Greg Vella, Esq for the Board explained the process of the meeting. There is a modification to Section1 and Sub paragraph 5.

Sworn: Christine Bell, Planner with Leon S. Avakian for the Board who testified that she reviewed the ordinance and the Master Plan. This cannabis is kin to retail use, similar to liquor store and patrons can't consume on site or in public. The zone already permits retail for sale.

There was discussion on permitted use or conditional use. Any bulk requirements would have to come before the Board for a C variance.

Conditional Use would need conditions and would need a use variance.

Christin Bell had a discussion on conditional use and feels it's a good idea for this ordinance.

Board discussion was property line located a minimum of 350 feet from residence, parking should be more from 100 to 250. There was discussion on measurements and what method to use: retail to retail; retail to residence; retail to school.

The board discussed a buffer and conditional uses.

Sworn: Gene O'Connell Esq 6 Steiner Avenue who called on Samuel Bellamy, Planner and he reviewed the ordinance and Master Plan.

Discussion on Master Plan and pattern of buffers to residential and non-residential.

There was discussion on limitations and measurements. He recommends making it a conditional use and measure property line to property line. No egress on residential streets.

Sworn: Kenneth Zielinski 12 Belle Place who is a resident and professional engineer who discussed conditional use to permitted use. He has disagreement with Land Use Board Planner on retail stores. He agrees with straight line property measurements. He did a study at Zen Leaf in Neptune on 2/11/2023 and 55 customers came within ½ hour and 20 employees on peak hours. He feels we need more parking.

Sworn: Robert Goselin 49 S. Wall Street stated that he likes the recommendations and parking is an issue.

Sworn: Stacy Higgins 29 Coastal Drive questioned parking and a and offsite parking and if there was a traffic study

Sworn; William Shirappa 14 Tucker Drive who had concern with traffic and would like the Board to take serious consideration on that issue and feels there will be many motor

vehicle accidents. He suggested that there be a traffic control study as well as distances from the residents and this retail.

Sworn: Louise Gager 13 Smock Street who questioned the process and Greg Vella, Esq explained that this Board is only making recommendations.

Sworn: Arlene Sciarappa 14 Tucker Drive who has concerns that 250 ft is not enough distance. She also has concern with the traffic turning onto residential streets.

Sworn Patrick McMillian 21 Oak Terrace main concerns were parking, traffic and loitering. He requested consideration and change of measurements to adjoining properties.

Mr. Sciarappa thanked the Board for a healthy discussion and feels this Board gave a fair discussion. He questioned property line measurements again.

Arlene Scirappa stated that there is a lot of speculation on the number of establishments.

Mr. Zelinski feels we need protection to make a street business.

Sworn: Kelly Stralus 3 Overbrook Place thanked the board for their discussion and requested measurements be taken into consideration and parking.

Closed Public Portion

Board Discussion:

There was discussion on conditional use with conditions to a 350 ft distance to residence.

There was a motion to amend the ordinance 2023-01 consistent with the Master Plan by Larry Cross and seconded by John Amoscato
Aye: Randy Reynolds, John Amoscato, Michelle McGuigan, Larry Cross, Craig Morcom, Erin Maciorowski and Sharon Williams.

The following are the recommendations from the Land Use Board to the Borough Council

1. Pursuant to N.J.S.A. 40:55D-26, the Land Use Board also has the opportunity to provide recommendations to the Borough Council regarding the Land Use related Amendments to the Ordinance. The Land Use Board discussed this matter with its professionals and heard comments from the public and make the following recommendations to the Mayor and Borough Council.
 - a. The Ordinance should be modified to make licensed cannabis retailers without a cannabis consumption area a Conditional Use in the C Commercial Zone and the HC Commercial Zone. The existing Ordinance provides that the use is a permitted use in the C-Commercial Zone and this Amendment adds the HC Commercial Zone as a permitted use in this Zone. The Board recommends it would be appropriate to make the uses a Conditional Use in the Zones, rather than a permitted use.
 - b. Paragraph G of the Amended Ordinance provides certain conditions relating to the cannabis retailers. The Land Use Board recommends that these limitations be modified and be identified as Conditions on Conditional Use.
 - c. With respect to these limitations/conditions, the Land Use Board makes the following recommendations regarding these conditions:
 1. The limitations contain separation requirements between the cannabis retail use and other uses. Specifically, Subparagraph 2 provides a separation between cannabis license retailers, Subparagraph 3 provides separation between cannabis retailer and Districts zoned for residential uses and Subparagraph 4 provides a separation between cannabis retailers and schools. Paragraph 6 provides that the distances related to the separation shall be measured in the same manner as distances between retail licensed alcohol premises and school and churches. N.J.S.A. 33:1-76

provides that the method to measure distances between retail alcohol license schools and churches. N.J.S.A. 33:1-76 states "Said 200 feet shall be measured in the normal way that the pedestrian would properly walk from the nearest entrance of said church or school to the nearest entrance of the premises sought to be licensed." The Land Use Board recommends paragraph 6 to be modified to provide measuring the separation from all directions of the property line, rather than by "how a pedestrian would properly walk". Measuring from the property lines would be the same as the notice requirements for applications before the Land Use Board pursuant to N.J.S.A. 40:55D-12(b). This method of measurement can easily be calculated to provide the appropriate separation without the determination as to how "a pedestrian would properly walk".

2. With respect to separations, the Land Use Board recommends the following:

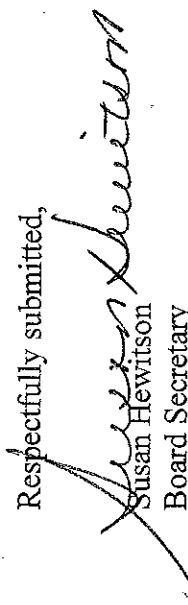
- a. Modify Subparagraph 3, the separation from cannabis licensed to a District Zone Residential should be expanded to 350 feet instead of 250 feet and expand District Zoned Residential to District Zoned Residential and property used a Residential Use.
- b. Modify Subparagraph 4 to increase the separation between a cannabis retailer and a school identified on the Borough's Official Drug Free School Zone and Park Zone Map from 200 feet to 1500 feet.
3. The Board also recommends an additional condition for the Conditional Use should be an increased parking requirement of 1 parking space per 100 sq. ft. of gross floor area. The Neptune City Land Use Ordinance presently provides 1 parking space per 250 sq. ft. of gross floor area for retail uses.
4. The Board also recommends an additional condition for the Conditional Use prohibiting any cannabis retail from having vehicular ingress/egress from a residential street and only permit to having vehicular ingress/egress from a highway.
5. Subparagraph 3 shall be amended to correct the typo from "two and fifty hundred" to three hundred as recommended above.

There was a motion from John Amoscato to accept the above conditions and seconded by Larry Cross

Aye: Randy Reynolds, John Amoscato, Michele McGuigan, Larry Cross, Craig Morcom, Erin Maciorowski and Sharon Williams

There being no further business before the Board a motion to adjourn was made by Larry Cross and seconded by Craig Morcom. All in favor.
The meeting was adjourned at 8:55 pm.

Respectfully submitted,


Susan Hewitson
Board Secretary