

MINUTES OF THE PLANNING BOARD MEETING
Thursday, May 27, 2021

Present:

Chairman Larry Lonergan

Mayor Jack McEvoy

Ms. Jessica Pearson

Mr. David Freschi

Mr. Greg Mascera, Planning Board Attorney

Deputy Mayor Alex Roman

Mr. Tim Camuti

Mr. Al DeOld

Mr. Jason Hyndman

Ashley Neale, Planning Board Secretary

Meeting called to order at 7:31 P.M. by Chairman Lonergan. This meeting was held via Zoom Video Conferencing due to COVID-19 pandemic.

Pledge of Allegiance:

Chairman Lonergan reads Open Public Meetings Act Statement and explains how the public can raise their virtual hands to participate in the meeting.

Public Hearing

Chairman Lonergan asks if anyone from the public would like to address the board on topics not on this meeting's agenda. No one from the public came forward.

Approval of Minutes

Chairman Lonergan asks for a motion to approve the minutes from a Special Meeting held on February 9, 2021. Mr. DeOld makes the motion, Deputy Mayor Roman seconds. Mr. Camuti abstains. All other present vote in favor.

Review of Township Ordinance 2021-14- Continued from May 20th Meeting

"ADOPTING THE REDEVELOPMENT PLAN ENTITLED "THE FIRST AMENDED AND RESTATED SUNSET AVENUE REDEVELOPMENT AREA REDEVELOPMENT PLAN" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW *N.J.S.A. 40A:12A-1 et seq.*

Chairman Lonergan notes for the records that at the conclusion of last meeting, the Board had made comments and suggestions and that Mr. Mascera was going to draft a report from there. Mr. Mascera comments that a draft of the report was circulated to all Board members prior to tonight's meeting. Mr. Mascera notes that he has received comments from some Board members, and there was only one paragraph in question regarding the parking of commercial vehicles in paragraph 3.

Mr. Camuti comments that this plan is consistent with the zoning districts in which it lays, Mr. Mascera notes that can be added to the report. There is discussion regarding the Extended Town Center Zone, and R100 and R70 zones, which is where this property is located. A decision was made to add a paragraph with wording that states the Board view this Ordinance to be inconsistent with the current standards of the R100 and R70 zones, as they exist.

There was discussion about revising paragraph 3 regarding the onsite parking of commercial vehicles. Deputy Mayor Roman notes that it would only be the outside parking lot, as most of the onsite parking is in a garage. He also notes that guests would primarily use this lot. Mr. Mascera notes that commercial vehicle parking is prohibited throughout town. Mayor McEvoy adds there are exceptions to this, if the vehicle is parked in a garage for example. Mr. Camuti comments his concern for the residents, since the spaces are narrow, a commercial vehicle would take up more room

in the lot. Deputy Mayor Roman notes the owner of the building has the authority to make necessary parking rules. A decision was made to revise paragraph 3 to state, "The Board recommends the Redevelopment Plan prohibits parking of commercial vehicles in any lots outside of the parking deck."

There is discussion on the section regarding the Council shifting approval authority to the Township Engineer instead of the Planning Board. Deputy Mayor Roman notes the Council made the decision because they ultimately have to comply with the settlement agreement and that the Planning Board's comments will be considered but he feels it should be with the Township Engineer. Ms. Pearson disagrees and notes she feels strongly about the Board having the authority it has with all other applications.

Chairman Lonergan asks for a motion to approve this report, regarding Township Council Ordinance 2021-14, as drafted by Mr. Mascera and amended at tonight's meeting. Mr. Hyndman makes the motion, Mr. Camuti seconds. All present voted in favor.

Review of Township Ordinance 2021-15

AMENDING CHAPTER 150 (ZONING) OF THE CODE OF THE TOWNSHIP OF VERONA PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

Mr. Mascera notes for the record that this ordinance would affect the zoning code, and therefore it is sent to the Planning Board to determine consistency with the Master Plan.

Mayor McEvoy explains the reason the Council is looking to prohibit the operation of any class of cannabis business within the Township. He notes that last November the state legalized recreational marijuana, and now they have come up with six different types of licenses for the sale and distribution of it. He adds that all towns in the state have to make a decision by August to either "opt in" and allow the sale and distribution or opt out. He adds that if the Township elects to opt in, they are locked into this for 5 years, but if they opt out, they can chose to opt in at any time. He concludes that the Township is proceeding cautiously and choosing to opt out at this time, and await further legislation from the state.

Chairman Lonergan comments that classes 1 through 4 would not apply to Verona, due to zoning regulations, and therefore are only looking at allowing retail dispensaries and those dispensaries to have a delivery license. He asks Deputy Mayor Roman how the Council made this decision. Deputy Mayor Roman reiterates Mayor McEvoy's previous comments, noting the state has no clarified all the rules and the Township does not want to be locked into something for 5 years without a clear view of what they are getting into. He adds that they will take time and in the future discuss how they want this to be set up for Verona. He gives the example of possibly limiting retailers to a specific zone or limiting hours of operations.

Mr. Mascera reads section 7 number 1 under Goals and Objectives in the Master Plan, "to encourage municipal action to guide the appropriate use or development of all lands in this Township, in a manner in which will promote the public health, safety, moral and general welfare." He adds that if the Board believes this ordinance is consistent with that statement, they can decide it is consistent with the Master Plan.

Chairman Lonergan asks the Mayor and Deputy Mayor if anyone from the public had input on this ordinance. Deputy Mayor Roman notes there was a lot of public participation on this matter, and it seemed to be split 50/50, for and against. Chairman Lonergan asks if this ordinance has any controlling factors over other cannabis derivatives. Deputy Mayor Roman notes that it would depend on what is required under the law to be licensed and the ordinance would only apply to what has to have a license in the Township.

Chairman Lonergan asks if any members of the Board have questions or comments regarding the ordinance. Ms. Pearson comments she agrees it is consistent with the previous section Mr. Mascera quoted, and that more information is needed to proceed with allowing this type of business in town. Mr. Camuti agrees noting there is the ability to opt in at any point in the future, and he in favor of the legalization and having good laws around it.

There is discussion regarding hemp and its derivatives. Deputy Mayor Roman notes that the statute does exclude hemp from these regulations, but notes CBD oil and other products may be included. Mr. Hyndman adds that the new recreational marijuana laws exempt anything under the New Jersey Hemp Farming Act. He adds that the Master Plan did not contemplate the legalization of recreational or medicinal marijuana, and therefore it would be consistent.

Chairman Lonergan asks if the Township decides to amend this ordinance and allow these establishments in the future, would the Board also review that ordinance. Mr. Mascera responds it would, and the Board has the authority to recommend zone changes whenever they see fit. Mr. DeOld notes he feels it would be premature to opt in at this time, and would encourage future discussions as new legislation is adopted.

Chairman Lonergan asks for a motion to recommend to the Township Council that Ordinance 2021-15 is consistent with the Master Plan. Mayor McEvoy makes the motion, Mr. DeOld seconds. All present vote in favor.

Adjourn

Chairman Lonergan reminds the Board members to file their financial disclosure statements, by the deadline of June 30th. There was discussion on returning to in person meetings, most Board members were in favor of returning when able.

After a motion made by Mr. Hyndman and seconded by Mr. DeOld, there was a unanimous vote to adjourn at 8:40 PM.

Respectfully submitted,

Ashley Neale
Planning Board Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.