

City of Millville
Planning Board Minutes
April 12th, 2021

Open Public Meetings Act Statement of Conformance:

“This meeting is being conducted by teleconference due to the COVID-19 PANDEMIC, was advertised, posted, and made available to the public to attend and provide public comment during the public portion of the meeting in accordance with the Open Public Meetings Act, Chapter 231, Public Laws of 1975, as required by Statute. In attendance were Vice-Chairman Kasuba, Chairman Gallaher, Commissioner Udalovas, Jay Laubengeyer, Mr. Malone, and Mr. Caregnato. Also present was Mr. Van Embden, Planning Board Solicitor, Yazmin Moreno, City of Millville Planning Trainee, and Michelle Baker, City’s assistant Engineer. Abstain was Ms. Arrigo, Mayor Santiago, and Mr. Gallagher.

MINUTES OF PREVIOUS MEETING:

Commissioner Udalovas made a motion to approve the March 8th, 2021 minutes and seconded by Mr. Jay Laubengeyer. Vice-Chairman Kasuba, Chairman Gallaher, Commissioner Udalovas, Mr. Malone, and Mr. Caregnato voted yes.

CORRESPONDENCE:

Commissioner Udalovas received and file the W &W Bridge 43.23 Rehabilitation project and Mr. Ed Kasuba second.

RESOLUTIONS:

Resolution #08-2021 for 719 Orange Street, LLC was granted approval Wayne Caregnato made a motion to approve the memorializing resolution granting approval for Preliminary and Final Major Site Plan and Minor Subdivision and was seconded by Jay Laubengeyer.

Resolution #08A-2021 for 719 Orange Street, LLC was granted approval Commissioner Udalovas made a motion to approve the memorializing resolution granting approval for Preliminary and Final Major Site Plan and Minor Subdivision and was seconded by Jay Laubengeyer.

Resolution #08B-2021 for 719 Orange Street, LLC was granted approval Wayne Caregnato made a motion to approve the memorializing resolution granting approval for Preliminary and Final Major Site Plan and Minor Subdivision and was seconded by Edward Kasuba.

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APPLICATIONS:

Millville Board of Education 701 Orange Street | Block 581 Lot 1.01 & 2
The Applicant is requesting lot line adjustment and minor subdivision approval.
Matthew J. Robinson, Esq. representing Millville Board of Education 701 Orange Street in Block 581 Lot 1.01 & 2 in an I- 1 General district Zone requesting Minor subdivision with a lot line adjustment. The seeking a subdivision of Lot 2 and would like to create a new lot proposed as lot 2.01. The applicant is seeking all waivers that the planning board deem appropriate. The Lot coverage to confirm will remain unchanged and property portion at issue is undisturbed. Nathan VanEmbden swore in the following

witness: Nick Catalano general manager of Innovation Foods, INC. located 719 Orange Street. The Millville Board of Education has offered to sell a portion of their property and Innovation foods intent to use it as a separate entrance for construction project that is currently in production. We obtained the appropriate easements foresight access agreement between the two lots. Mr. Robinson states he, discussed this application with principal planner of the County mess Kimberly answer mitted the appropriate application which was presented on the screen at tonight's hearing.

Chairman Gallaher open the public portion for comment.

No speakers, chairman Gallaher closes the public portion.

Mr. Wayne Caregnato made a motion to approve the minor subdivision and lot line adjustment and Mr. Larry Malone seconded the motion. All present voted yes.

OTHER BUSINESS:

Yazmin Moreno, the new Planner Trainee for the City of Millville was interduce to the Planning Board.

Municipal Treatment for municipalities pertaining to A-27, A-1897 and S-3454

Commissioner Udalovas with the help of Michelle Baker, City assistant Engineer has ensured that we have all the information needed for tonight's meeting and a link has been included on the agenda. The links were made public, and it was at the recommendation of our board solicitor. So, utilizing the link and speaking exactly what our municipalities are considering with the new legislation that has taken place. The August 22nd of 2021 entails that an ordinance that had not been passed to date since the adoption of this legislation includes any municipal ordinance that would have taken place before, it is adopted by the Senate and the assembly with no longer be in effect and a new ordinance would need to be adopted. We seek from various neighborhoods municipalities that there are different approaches to the legalization of cannabis four different municipalities that are following recommendations to utilizes a sample opt out ordnance which means that the option to not consider this within zoning. It does not limit the availability of delivery of cannabis. We will need to make a decision by August 21ST 2021 to establish according to NJ LM specifically city as the deadline for municipalities to take action if no action is taken. This would open up our zoning ordinance to be eligible to include any of the distribution, manufacturing, or retail facilities for adult use cannabis but, it would be completely separate an aside from medical cannabis facilities that may have been provided as presentation previously. If no action is taken within 180 days, that August 21st mark will be the action in which the city and the municipality would be subject to those operations. Completely eligible to take place there also is a provision that once a municipality permits a cannabis establishment or distributor, operations in the community, that action remain valid for five years after the five-year period. Municipality has another hundred-day window to prohibit or limit cannabis operations. The board solicitor, Nathan VanEmbden has been researching and has brought to the attention of the Commission to seek out census. City solicitor Brock Russell has also been researching and learned more about those legislation. We hope that the planning board will weigh-in regarding the zoning ordinance, if this is a used that the planning board believes should be permitted and under which circumstances and gather as much feedback when opening to the public comment portion as possible. The discussion of the cannabis will not be limited to April's meeting

but will flow over into May's meeting to ensure that we cover all topics thoroughly. Chairman Gallaher would like to take in consideration that these cannabis facilities can be in any zone area. Including a drug free school zone. Because cannabis is no longer considered a drug, so it sets off a red flag by us taking no action.

Nathan states letting the circumstance of board application of prevailed when you do act. You are limiting yourself to a restricted news up to five years when a period where you have to live with whatever decision you made, and make sure you did it right because you can't change your five-year plan. If you want to get a handle on what the legislation has approved, you may want to consider establishing zones that will allow this sort of facility to exist. For an example we can designate the industrial zone as being fertile ground for the facilities that would be discussed here. If you do nothing, you're opening up the Cities to difficult uses, in almost any scenario. If you do something, at least you control it and that's what direction I'm thinking it should be. Nathan suggests back we do some more research and see what other municipalities have gone through. Think about which sections of the city you do or don't want this facility to occur High Street, Main Street, commercial section, residential sections, industrial side, churches, and etc.. any places you do not want this to occur has to be stated. The cannabis tax will have the nature of and the enforce ability as a property tax. If the tax is not paid the delinquency shall be collectible in the same manner as the delinquent Realty tax, therefore a lien establishment against the property.

Mr. Edward Kasuba support Nathan and chairman Gallaher statements 100%. But might a little more of a conservative approach work, allowing us to expand as we go? Having a conditional use rather than a committed use give the board a little more control over the implementation of these businesses. Nathan states that are a good tool to have. It means everyone who is seeking a use must prove it and must come before the board to prove they met the conditions. Allowing to operate in the zone and the district in the manner in which they propose, creating some greater level of scrutiny.

Mr. Larry Malone says the cannabis is a great thing for the city if we are marketing the city, we need to be accepting more businesses for job opportunities.

Mr. Wayne Caregnato agrees with chairman Gallaher that a great place to start is in the industrial zone.

Commissioner Udalovas recommends that we should have a comprehension approach to what our municipality is going to take by the way of a direction , my interpretation of all of my research and what I have gathered from other professionals is that the opt in and the action that you take prior to August 21st would be as it stands and I think that is caveat to opting in is also recognizing that you are at that point set for five years with the ability to re-examine after the five year mark and then you have 180 day. Whether that pertains to a case-by-case basis. We should have an application in that time and that an establishment should be in effect for five years just that establishment. Then you can re-examine after 180 days weather different then the approach of what we have adopted in our ordinance. The opting out that provides cities that timeline or by the time that you may utilized to make a more detailed approach to how your municipality decides to act on it. Opting out first prior to August 21st, that is how the municipality would mean it would maintain control about how to phase it in gradually, where to some restrictions that overtime can be re-examined. If a municipality opt out, it does not mean that they could not opt in. Emotion for opting in by having an ordinance on first reading a month later it is when you are opting in and that ordinance takes effect prior to August 21st will be the action. By opting in you specify it is a permitted use or conditional use, and those are the terms by which the

municipality would be bound to. Whereas if you were to opt out initially, it would provide you additional time to prepare your approach to it whether it's be more restrictive whether it's viewing other ordinance that take place etc. Commissioner Udalovas would not advocate at this moment for either approach.

Chairman Gallaher has opened the public portion for comment.

Tamara Isajiw has been sworn in by Nathan- Tamara shares her considers about the cannabis: the odor, the pricing of buying the street versus a facility, and what zone? A less populated area? Make sure it's very far from school zones, halfway house, drug rehab center, and daycare. Smoking marijuana outside the facility. It would be nice to bring more business to the City, but we really need to make good decisions on where it needs to go. She is for opting out and later add opt in.

Chairman Gallaher would like to close public portion.

Edward Kasuba made a motion to close the public portion and seconded by Mr. Malone.

Chairman Gallaher would like to continue this decision on May 10th meeting and invites the public for further participation. Two topics of conversation- Go through the land use ordinance, noted two different zones the facility would be a good fit and what type of condition are the type of requirements for that area?

With no other further business, Mr. Edward Kasuba made a motion to adjourn and was seconded by Commissioner Udalovas

Respectfully submitted,

Kristine Klawitter, Zoning/Planning Secretary