

City of Millville Planning Board

Special Meeting June 7th, 2021

Teleconference due to Covid-19 Pandemic

6:30 PM

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, Mr. Ed Gallagher Commissioner Udalovas, Jay Laubengeyer, and Mr. Caregnato. Also present was Mr. Van Embden, Planning Board Trainee, Yazmin Moreno, City of Millville Planner, Michelle Baker, City assistant Engineer, Heather Santoro, Economic development. Absent were Ms. Denise Arrigo, Mayor Santiago, and Mr. Malone

Business:

Municipal Treatment of Cannabis Operations within the City of Millville. Provide on the Planning board special meeting agenda were links to information for Municipalities pertaining to A-27, A-1897, and S-3454, Cannabis Resolution 108-2021, Resolution 74-2021, Approval on first reading by the Commission to refer to the Planning Board regarding Cannabis, and City Solicitor which demonstrates the inclusion of the Class 1 & 2 Licenses and Class 3 & 4 Licenses within the I-1 General Industry District. The city of commissioners affords onto the planning board their evaluation on the ordinance that comply with the master plan. The class 1, 2,3, and 4 (I-1 and I-3 zone) are about the cultivation of manufacturing, wholesale, cannabis distribution, and does not allow or permit in any zone in class 5 and 6 cannabis retail or cannabis delivery service. The planning board is to provide feedback to the commissioners regarding the master plan, the public comments, and the ordinance.

Nathan VanEmbden, City solicitor gives comment on tonight's discussion. The city has selected the industrial manufacturing warehouse aspect of the industrial to seize upon the commercial viability of the opportunity. We are being asked as a board to determine if the resolution, which selects class 1,2,3, and 4 the options for cultivating a manufacturer wholesaler and distributor designations are consistent with the master plan in this case, located entirely within the I-1 Zoning District. If approved it will be in place for five years, giving the City opportunity to participate in the revenue stream of the entities of 2% and does not prohibit the City to expanding in the future.

Commissioner Udalovas provides a summary of the evening's proceedings comment explanation that's been provided to the public via the Commission meeting. Mr. Kasuba gave recommendation on the May 10th planning board meeting to advertise a special meeting to discuss the state cannabis registration and its impact on municipalities. Today's meeting Monday June 7th be planning board feedback on cannabis regulation enforcement assistance

and marketplace modernization act by the Commission on April 20th meeting Anne ordinance provided by the city solicitor an approved by Commission on first reading on June 1st, 2021. The ordinance on first reading provided prepared by the city solicitor provide options for possible permitted use of cannabis facilities in the I-1 zone and are restricted to Class 1 cultivation Class 2 manufacturer, and class 3 wholesaler, and class 4 distributor licenses. Including a section that clearly specifies the class five and six retail and dispensary delivery license as a non- permitted use in all of the city's zoning districts. Formal action will need to be taken prior to August 21st, 2021 as per state legislation to define the parameters. Inaction by municipalities results in affectively all zones being permitted for the uses of class 1-class 6 adult uses cannabis licenses. Class one through 4 licenses tells that there is no direct-to-consumer sale or retail of cannabis or the products that would be cultivated, manufactured, or store through the wholesaler or the distributor. Highlighting the attachments that are attached to the agenda, outlines the schedule of district regulations with two areas being highlighted specifically beneath principle uses. Item B, there is a correlation to the class 1 cannabis cultivation and Class 2 cannabis manufacturers, state licensed, used as outlined and aligned to pharmaceutical, and cosmetic manufacturing, packaging, and assembly. The second correlation is for item 4 that pertain to the Class 3 and Class 4 state license uses or wholesalers and distributor being warehouse or storage facilities and distribution facilities, including refrigerated facilities. In ordinance dated 3-17-2021 Millville would be limited to not exploring delivery and retail facilities. However, the City can opt to not be a point of origin for a developer seeking particular use.

Yazmin Moreno, city Planning Trainee, I spoke with the planner from the city of Vineland they are already in the works and are looking to move forward with retail. They already have a few manufacturers currently in their city. The City of Millville would like to refrain from the retail and just stick with the cultivating, manufacturing, and warehousing. This will be the best opportunity to bring business to our City. It is my understanding that with the growing facilities, they do use water, but they recycle their own water and come with their own pretreatment system. When it comes to manufacturing facilities, they are using a lot more heat and other facilities to help the output of the smell. The City of Millville should regulation how we can bring on this type of business and help the public understand it is not harmful and it's a great opportunity for the City. The City has talked with companies regarding what they will bring to our City, and one thing is job opportunity. Other states have mentioned that the facilities aren't using very much water which is a plus for the city when you look at our sewer system. The City will need to put regulations in place, and this companies already recycle their own water. We have discussed with Sal Gioia, Head of City sewer department and he agrees to the using utilizing aspect and he outlined the ordinance of what is required for the sewer specifically and though site plan applications. We can piggyback of of other municipalities regarding safety, environmental impact, wastewater, and logistical aspects.

Wayne Caregnato the City has recently improved their capacity for wastewater for any business at the airport. We found illegally hooked up to the pleasant drive pumping station that was overwhelming with waste. The city disconnected it. We cannot change a lot of relations, because we do not have enough information to get involved.

Commissioner Undalovas One the license topic, there is 1 for the concept of a distributor and 1 for cultivator. Highlighting that the city currently had not been exploring the concept of issuing its own license. It is not listed in our ordinance. The intent of the ordinance from the city of Millville is to utilize the state license procedure to determine it's a business that is prepared to open and be subject to the 2% cap. But wholesale rate does not have an additional cap on it, so as not to be taxed at the same rate. That is an option the Planning board can recommend to the Board of Commissioners and the city solicitor.

Michelle Nothafft, City's Assistant Engineer most of engineering questions and concerns would be answered through the site plan application. Once you do the layout of the topics and testimonies to security and loading and foot traffic in terms of zoning and their location. Industrial zone will be fine. We would override all the requirements that we would look for from a site plan review, in turn the utilities, water department, capacity for providing water or sewer department. We agree on the reusing of water it is a huge help. Engineering does not have many concerns or one specific concern.

Heather Santoro, from Economic Development are getting a couple call a week from developers looking into the surrounding land. They are expressing this would come with jobs and from an economic development standpoint, there are definitely something to be said for being able to sell the land and getting a new readable into the City as well as job creation.

Chairman Gallaher would like to open the public portion of the meeting.

Jim Wernick Business development manager at True Leaf in Florida. Address 3181 Hill Street, Duluth, Georgia, 30096. We are one of the leading seed to sale cannabis companies in the United States. We have been operating since 2016, our first cultivation and production operation was in the state of Florida, where we received a license in an application process, similar to New Jersey. we were the first to bring the product to market in Florida. we've grown to over 2,000,000 square feet of cultivation and production in many different facilities. we have over 5000 employees which include our CFO who is in New Jersey. we have over 84 dispensaries we serve over 480,000 patients in six different states that we are currently operational. My role is the land acquisition and Construction design of the building. We also focus on South Jersey I mean agricultural and rural regions. We look for the industrial zone because of the water use and utility use. Typically, in an industrial zone we will comply with all the regulations state and local in terms of our application or the license and then the site plan. When submitting an application and the site plan we like to hire local engineers because they know the location and regulations. We will do application in phases. We partner with local municipalities, local township, and workforce development training. There will be opportunity for local businesses. Where members of the Sustainable cannabis Coalition which really focuses on reducing environmental impact in the industrial and increasing the conservation. The odor technologies to control odor have changed dramatically over the last five years. We used to bring in air exterior for a fresh ventilation air, we no longer do, we now have air scrubbers, pipa filters, charcoal filters that clean the air within the room circulating the air which dramatically cuts down the odor. For water we use state-of-the-art hydrologic reverse osmosis systems, drip irrigation for our plants and constantly working with the latest technology and monitoring.

Tamara Isajiw- voice her concerns regarding the distance from a residential area, any kind of school Zone, distance from a halfway house, and another marijuana business. She would like to see something written in the ordinance regarding the distances between these business and zones from the Cannabis facilities. I would like there to be security. Highly lighted in the parking lot and business. Stipulate be made for the regulations for that zone. I am also concern with the site management plans for the zones, traffic control, people loitering, and making sure everyone is safe. Maybe link up with the police department.

Question for the planning board, "Can the City control how many licenses are distributed, Maximum?"

Nathan- We are not discussing retail cannabis sales, today. I think the public is issuing their concerns toward that. The City Ordinance describes and industrial warehouse type, Regulation, and water usage in negotiation with the City. Application regulation areas and opportunity for site plan review for odors, discharges, water, and air control. I do not believe you will need special security measures for direct line to police department, because these is a functioning business. I would have higher security levels around the growing area. The planning board will now have to consider whether ordinance, very simple, straightforward ordinance for the City is consistent with the master plan and address the issue that you raised.

Chairman Gallaher closed the public portion of the meeting. Wayne Caregnato made the motion to close the public portion of the meeting and Mr. Gallagher seconded the motion. All board members present voted, yes.

Ed Gallagher- is all for the Cannabis manufacturing.

Jay Laubengeyer- See no inconsistencies with the master plan with respect to the proposed ordinance. I believe any issue that raise can be handled through the site plan approval process and agree this is needed to potential economic boost to our City.

Wayne Caregnato- The uses in the I-1 Zone consequently with the I-3 zone, sort of parallel with the lot uses. We have this permitted use. Pharmaceutical, cosmetic, and warehousing the parallels them. It is just a little something new that we do not have this in there. I agree this is a good thing to get started in the City of Millville.

Ed Kasbua- I agree this is a conformance with the land use. From a social aspect, I am not being an economist. How many distributive and manufacturing places can we create and not have a retail sells for the product?

Commissioner Udalovas- Thank you solicitor VanEmbden for keeping I spoke guest on what today's discussion is for. We have heard from businesses in the past on the topic of security, in previous meetings our informal concept reviews had been discussed there was a very stringent approach to security. one of the items that was highlighted is that part of another Commission, another coalition, to which theses developers, these particular businesses, have to comply with as part of their license's standard, which does supersede municipalities responsibilities to regulate that. Another thing to keep in mind I am not as important, in perspective that crema,

which is the legislation, is also going to dictate a lot of the terms as we continue to develop it. Will focus on manufacturing and the whole process of producing commodity that the state is now opened to municipalities. An opportunity for us to really utilize that space we have at the airport just rezone and to help revitalize a lot of areas to be centers for manufacturing and for distribute for things like bulk inter-state. I think this is a very cautious approach to the city surveying what is not direct to consumer sales right now. Opening up the opportunity for the Industrial use. The engineering department and having surveyed all other projects, that have come before the city knows the limitations in regard to effluents for water and sewer. Through this process we're going to see businesses that are going to demonstrate the responsiveness, to wanting to apply with site plans applications and site plan requirements, that we hope there are going to bring the best to the city by the way of Development. Observing the conformance to the master plan as many of the board members have stated.

Chairman Gallaher- Agree's this is a good opportunity for the City, and it should be considered by the City. In accordance with the master plan, taking a conservative approach, and introduce you to our city, allows us to gain more knowledge and allows us to control it. I feel the commissioner should consider, at some point, fees, entity, extraordinary cost. We could run you through site plan process for your fee structure in place. Consider provide how many licenses by varies classes we would want in the City at some point.

Wayne Caregnato made a motion to the City Commission to continue on to endeavored to allow this in I-1 and I-3 Zone and the Planning Board thinks this is not a deviation from the master plan but parallel stuff to the already permitted uses in the industrial zone and Kasbua seconded the motion.

Nathan- agrees with Waynes motion. If you wanted to add anything specific that you want, the Commission to consider, changing on second reading, or finding a significant enough change to require a new first reading, this is the time to say, but I didn't hear it in the discussion. Mr. Ed Gallagher, Mr. Wayne Caregnato, Commissioner Udalovas, and Mr. Jay Laubengeyer all voted yes.

Mr. Gallagher made a motion to close the meeting and Commissioner Udalovas seconded the motion.

Commission City Commission were to allow you to acquire the property without approvals, that you do this at your risk.

Mr. Magazzu and Mr. DeSantis discussed that they would like to have further discussions with the County Improvement Authority and how intake of materials would occur before the second reading of

the plan would occur. They also felt 32 square feet was too small for the ancillary signage and 200 square feet extremely prohibitive for principal signage.

Larry Malone made a motion to refer the development plan to the commission and seconded by Commissioner Udalovas. The following board members voted yes, Larry Malone, Wayne Caregnato, Mayor Santiago, Commissioner Udalovas, Edward Kasuba. Mr. Laubengeyer Abstained.

Vice-chairman Kasuba made a motion to close the May 18th, Special Planning Board meeting and was seconded by Mr. Malone.