

# **UPPER TOWNSHIP PLANNING BOARD VIRTUAL MEETING MINUTES MAY 5, 2021**

The Upper Township Planning Board held a special meeting on May 5, 2021. This was a virtual meeting and was called to order at 7:30 p.m.

## **SUNSHINE ANNOUNCEMENT**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

Present: Curtis Corson, Ted Kingston, John Klebaur, Janet McCrosson, Christopher McGuire, Craig Reeves, Gary Riordan, Robert Young, Sr., Joseph Harney.

Absent: Georgette Costello, Mayor Richard Palombo.

Also in attendance were Jeffrey Barnes, Board Solicitor; Paul Dietrich, Board Engineer; Shelley Lea, Board Secretary and Zoning Officer.

## **APPLICATIONS**

1. REVIEW OF THE ORDINANCE NO. 011-2021 PROHIBITING THE OPERATIONS OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE TOWNSHIP OF UPPER'S GEORGRAPHIC BOUNDARIES AND AMNEDNING CHAPTER 20, SECTION 1.5 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER FOR CONSISTENCY WITH THE UPPER TOWNSHIP MASTER PLAN

The board referred to the marijuana legislation included in the latest master plan review.

Mr. Dietrich testified he feels proposed ordinance 011-2021 is consistent with the master plan that was adopted by the planning board.

Mr. Corson discussed the absence of local police. He stated that at this time the township is not equipped to handle any type of cannabis businesses. The township is not opposed to a medical marijuana facility; however, they are opposed to a recreation use.

Mr. Kingston stated that he views the sale of cannabis the same as alcohol. He is not opposed to cannabis shops in the township. He is not opposed to those using cannabis for medical purposes and feels that it should be available to them.

Mr. McGuire stated that he agrees with Mr. Kingston.

Mr. Reeves stated that he agrees with Mr. Corson. He feels there is revenue to be made but it could come at a cost.

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Mr. Riordan asked about enforcement and if the state police would be enforcing the ordinance. Ms. McCrosson also discussed enforcement.

Mr. Young stated that a large percentage of Upper Township residents voted in favor of legalizing marijuana. Mr. Corson believes the residents voted to decriminalize marijuana but not to sell it in stores throughout the township. Ms. McCrosson stated that if the township chooses to prohibit cannabis at this time it can later decide to make it legal. She feels it would be prudent to deny it at this time and look at it again in the future.

Mr. Harney stated the township committee wants to prohibit marijuana sales in the township. He feels there is sufficient information contained in the master plan that show the proposed ordinance is consistent.

Solicitor Barnes informed the board it is their task is to offer a recommendation to the township committee as to whether the adoption of ordinance no. 011-2021 is consistent with the master plan.

The meeting was open to the public. Hearing no response, the meeting returned to the board.

A motion to adopt Special Resolution 06-2021 was made by Ms. McCrosson, seconded by Mr. Young, and approved. In favor: Corson, Kingston, Klebaur, McCrosson, Reeves, Riordan, Young, Harney. Opposed: McGuire.

2. HIRING OF A SPECIAL PLANNER IN THE MATTER OF 201 WILLARD LIQUOR, LLC C/O JULIAN FOX – BLOCK 850 LOTS 1, 1.01, 3, 3.01, 4 & 5 – PB 04-2021

Mr. Riordan stepped down during this application due to a conflict.

Mr. Dietrich testified that if the board votes to hire Tiffany Morrissey she would prepare a report based on the proposed application and the addition of a bathroom facility and relocation of the bandstand.

Mr. Kingston feels that hiring a planner would be a good idea since there was conflicting information during last months meeting.

Mr. McGuire feels the addition of the bathroom and the placement of the stage is well within the perimeter of the board to determine. He feels that bringing in a planner is overkill.

Mr. Reeves agrees with the comments made by Mr. McGuire.

Mr. Young stated there is no sense hiring a planner to do the board's job.

Mr. Harney feels the board should get professional help since there are conflicts with neighbors over the parking, bandstand, hours of operation and the septic. He feels it is best to have all the facts. He feels the planner should determine if what is on the site plan is consistent with the last approved site plan.

Ms. McCrosson feels this is the boards responsibility. She stated that most of the public comment at last month's meeting did not deal with the application. She feels that if a report is done it should be limited to what the applicant is requesting. Mr. McGuire agrees with Mr. McCrosson and believes the board should focus on the consistency of the site plan and not issues that must be enforced by other entities. Mr. Kingston stated that all these items are relevant since this is a site plan approval.

Solicitor Barnes explained the planner would look at the proposed site plan, the previously approved site plan and resolution and possibly speak with the applicant's professionals as part of her report. He stated that Mr. Orlando will most likely discuss what was approved on the prior approval and incorporate them into the new site plan. He does not feel that things outside of the jurisdiction of this board should be discussed. In fairness he feels the applicant should be added to the May agenda and not wait until June to install bathrooms.

There was discussion regarding whether or not Lot 2 should be included in the application since it has been used by the Deauville for many years for valet parking. There was also discussion regarding whether Mr. Kingston should be able to participate in the application since he is within 200' of lot 2. There was some discussion as to whether the vehicles on lot 2 would be valet parked as shown on the previously approved plan.

A motion to hire Ms. Morrissey to prepare a report for the boards review and to require Mrs. McCrosson to renote and incorporate lot 2 into the application was made by Mr. Reeves, seconded by Mr. Harney, and approved. In favor: Corson, Kingston, Klebaur, McCrosson, McGuire, Reeves, Young, Harney.

A motion was made to carry the application to the May 20, 2021 meeting agenda was made by Mr. Corson, seconded by Mr Reeves, and approved. In favor: Corson, Kingston, Klebaur, McCrosson, McGuire, Reeves, Young, Harney.

### **PUBLIC PORTION**

Mark Berger, 2 W Winthrop Avenue, Strathmere, was sworn. He feels it is important to look at the current site plan for consistency with the old one for accuracy. It doesn't make sense to him why lot 2 is being considered for parking purposes in a site plan. He stated the lease agreement between the applicant and lot 2 is a business plan. He referred to the boat slips shown on the plan and counted as parking spaces. Mr. Dietrich explained that the ordinance allows for offsite parking within 1,500' with a lease or other legal arrangement. He stated that planning board resolution 05-2005 indicates the board

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considered boat parking spaces as parking spaces. Mr. Berger stated that his concern is the number of boat slips and not the concept.

Dodie Corretini, 21 W Winthrop Avenue, Strathmere, was sworn. She asked about obtaining a copy of the plan from 2006. She stated the bandstand has been erected and a band was playing tonight.

The public portion of the meeting was closed.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Young, seconded by Mr. Reeves, and approved. The meeting was adjourned at 8:50 p.m.

Submitted by,

Shelley Lea