

TOWNSHIP OF PLUMSTED

LAND USE BOARD
MEETING MINUTES
November 9, 2021

1. FLAG SALUTE

Salute led by Chairman Doug Hallock

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Statement cited by LUB Attorney, Martin Buckley.

3. ROLL CALL

PRESENT	ABSENT	
<u> X </u>	<u> </u>	Thomas Calabrese
<u> X </u>	<u> </u>	Bill Fox, Vice Chairman
<u> X </u>	<u> </u>	James Hagelstein
<u> X </u>	<u> </u>	Jim Garrigan
<u> </u>	<u> X </u>	Herb Marinari, Mayor
<u> X </u>	<u> </u>	Michael McGuire
<u> X </u>	<u> </u>	Robert Minter
<u> X </u>	<u> </u>	John Neyenhouse
<u> </u>	<u> X </u>	Glenn Riccardi
<u> X </u>	<u> </u>	Eric Sorchik, Dep. Mayor
<u> X </u>	<u> </u>	Doug Hallock, Chairman
<u> X </u>	<u> </u>	Cynthia MacReynolds, Secretary
<u> X </u>	<u> </u>	Joseph Hirsh, Engineer
<u> X </u>	<u> </u>	Martin Buckley, Attorney

4. MINUTES TO BE CONSIDERED FOR APPROVAL: **None**

5. RESOLUTIONS:

- a. 2021-09 Resolution granting Minor Subdivision approval to the County of Ocean, Block 77, Lot 38.

- a. Resolution was read in its entirety by Mr. Buckley. Chairman Hallock abstained and gave Vice Chairman the floor to memorialize the resolution.

Motion was made by Mr. Neyenhouse to memorialize. Mr. Minter second the motion.

Roll Call:

Approved:

Fox

Hagelstein

McGuire

Neyenhouse

(Roll Call Cont. from pg. 1)

Calabrese
Garrigan

Abstained:

Sorchik

6. OLD BUSINESS:

No Old Business

7. NEW BUSINESS:

a. Minor Subdivision Application, Block 31, Lot 12, 7 Terrace Avenue, New Egypt.

Mr. Hallock introduced the application. Sharon Knowles was sworn in by Mr. Buckley.

Mr. Hirsh went over his letter to the applicant. Applicant is seeking approval for a Minor Subdivision approval. Application also requires 3 bulk variances, which were added to the application.

Mr. Hirsh also read his review comments regarding the application.

Ms. Knowles was asked if she had any issues with the engineer's letter. She asked if the existing trees can remain on the property. She was advised that trees may remain pending board approval.

Board Questions:

No questions from the board.

Public Comments:

No Public Comments.

Motion to approve made by Mr. Fox. Motion 2nd by Mr. McGuire.

Roll Call:

Approved:

Fox
Hagelstein
McGuire
Minter
Neyenhouse
Calabrese
Garrigan
Hallock

Abstain:

Sorchik

- b. Plumsted Township Ordinance 2021-07, Land Use Board Review and Approval. Mr. Sorchik explained the purpose of the introduced township ordinance to the board. Resolution was introduced by the township on the November 3rd meeting. Mr. Sorchik said that the ordinance reinstates permitting of medical cannabis due to the new recreation marijuana law that passed in February, 2021. The township is asking the Land Use Board if the ordinance is in compliance with the township master plan.

Questions from the Board:

Mr. Fox asked if the ordinance allows for the use of recreational marijuana. Mr. Sorchik replied that the ordinance does not allow for the use of recreational marijuana, and the ordinance allows for medical marijuana to be grown in the township.

Mr. Fox asked if recreational use is legal in Plumsted. Mr. Sorchik said that the ordinance gives the township the ability to have facilities grow medical marijuana and to distribute medical marijuana.

Mr. Fox asked how the township is going to determine who can grow it and who can sell it. Mr. Sorchik said that it will be something that the township committee will have to resolve. He emphasized that the board is not voting to pass the ordinance but to say that the ordinance is in compliance with the master plan. Mr. Buckley concurred with Mr. Sorchik.

Mr. Calabrese asked if the marijuana is grown in an open field and if the ordinance can state that the facility will be hidden from plain view. Mr. Sorchik said it was up to the board to decide. He advised that medical marijuana is grown in greenhouses and not in an open field.

Mr. Hagelstein asked if the ordinance can state that the marijuana would have to be grown indoors. Mr. Sorchik said that it is up to the board. Mr. Sorchik also reiterated that he cannot vote on this matter with the board and that he is just stating the ordinance.

Mr. Fox asked if the township had to pass an ordinance for medical marijuana. Mr. Sorchik said that it is up to the township committee.

Mr. Fox asked if it is not a specific site and how big is the site. Mr. Fox was advised that ten acres are required. The size would include the parking and the facility.

Mr. Neyenhouse asked if the facility would be considered a light industrial due to the building height. He was advised that it would be in the C-5 zone.

Mr. Neyenhouse stated that the master plan encourages agricultural/rural use.

Mr. Garrigan asked if this type of vegetation is usually grown indoors. He was advised that it is grown indoors.

Mr. Fox questioned the allotted size of the greenhouse if it is the size of a warehouse. Mr. Buckley clarified that the cannabis would be grown in a warehouse, not a greenhouse.

Mr. Fox asked what the bottom line on the cannabis consumption area. Mr. Neyenhouse said that he thinks that it's to prevent consumption at the growing/distribution centers listed in the ordinance.

Mr. Fox asked where the cannabis can be consumed. Mr. Neyenhouse said that if you have a prescription then it can be consumed at the residence other than the facility that it was distributed or grown.

Mr. Fox was advised that the opening statement was a reference to block the ordinance from the town after the state law went into effect.

Mr. Fox asked if recreational marijuana was legal based on federal law. Mr. Sorchik said that the question before the board is if the requirements of the medical marijuana ordinance are as described in the master plan and the board is not approving the ordinance and that the Township Committee is voting in December on the ordinance.

Mr. Garrigan asked if the setbacks are in compliance with the zoning in Plumsted. Mr. Sorchik said that if the ordinance passes then the distributor will have to comply with the zoning laws.

Mr. Hagelstein's concern is if the distribution area will be in a residential area if the ordinance does not specify a zone for the facility. He said that he does not believe that the setbacks follow the master plan. Mr. Neyenhouse said that the ordinance specifies the zone and requirements to have a dispensary. Mr. Fox said that it would make it a permitted use.

Mr. Buckley said that the applicant would have to follow the zoning laws for the location of the facility. Mr. Fox said that it was too vague.

Mr. Hirsh defined the conditional use for the facility. Mr. Neyenhouse asked if the ordinance can have a restriction for the area of the facility. Mr. Fox said that most of the town is agricultural and it could possibly be grown in those areas.

Mr. Neyenhouse asked if it could be grown on the Preserved Agricultural sites. Mr. Hallock stated that the cannabis is grown in a warehouse to prevent seeds blowing.

Mr. Fox asked Mr. Sorchik how the township determined where the required areas came from.

Mr. Hallock said that the height requirement should be changed to 35' unless it is in a light industrial area.

Mr. Fox wanted to know if the criteria was part of the state requirement or if the township can keep the agricultural areas the same.

Mr. Neyenhouse would like to see a restriction to keep the facilities away from residential areas so that a dispensary is not someone's home.

No further questions from the board.

Public Comments:

No Comments from the public.

Mr. Buckley will compose the letter on behalf of the board recommending the

8. MATTERS FROM THE PUBLIC

No public comments.

9. MATTERS FROM THE BOARD

Mr. Neyenhouse asked the board engineer if there was an update on the battery facility on Rt. 537. He wanted to know if the screening matches what they required to do on the resolution. (Inaudible)

Mr. Fox asked what the guidelines are for administratively making changes and how far the applicant can deviate. Mr. Hirsh said that things that require major adjustments would go before the board.

Mr. Fox was concerned about horse owners around the perimeter of Lennar and that Lennar installed a 6' chain link fence with slats when they were required to put up an 8' fence.

Mr. Fox started a discussion about the fence that Lennar has in place at this time. Mr. Hirsh will follow up with Lennar and inquire about the fence.

10. ADJOURNMENT

Minutes were prepared by Land Use Board Secretary, Cynthia MacReynolds