

**PLANNING BOARD
REGULAR MEETING
MINUTES**

March 28, 2023

**CALL TO
ORDER**

The Regular meeting was called to order at 7:02 p.m.
1 City Hall Plaza
Rahway, NJ 07065

Adequate notice of this meeting, as required by the New Jersey Open Public Meetings Act, also known as the Sunshine Law, has been provided by an Annual Notice sent to the City's official newspaper NJ Star Ledger on January 12th, 2023 and posted on the bulletin board of the Municipal Complex, posted on the City website, and filed with the Clerk of the City.

FLAG SALUTE

The Board will then salute the flag.

ROLL CALL

On a call of the roll, the following Board Members and Officials should be present:

BOARD

BOARD

Mr. Raymond Giacobbe, Mayor; or,
Mr. Eric Miles, Mayor's Designee
Mr. Jeremy Mojica, Commissioner
Mr. Kyle Gustofson, Commissioner
Ms. Karla Timmons, Commissioner
Mr. Robert Simon, Commissioner
Ms. Ruta Padulo, Commissioner
Mr. Alexander Shipley, Commissioner
Mr. William Cladek, 1st Alternate Commissioner
Mr. Christopher Brown, 2nd Alternate Commissioner
Mr. William Hering, Commissioner
Mr. Jeffrey Robinson, Commissioner
Mr. Karl P. Kemm, Esq, Board Attorney
Ms. Jacqueline Dirmann, Board Engineer
Ms. Leigh Fleming, Board Planner
Mr. Keisha Womack, Board Secretary

*Board Engineer Jacqueline Dirmann and Board Secretary Steven Decker were excused from the meeting.

Absent from this meeting: Commissioners Hering, and Gustofson with excused absences.

SWEARING IN:

Board attorney Karl Kemm swore in board member Ms. Karla Timmons.

The meeting was called to order at 7:02pm.

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record.

It was announced that the memorialization for a resolution for 1206 Westfield Ave. LLC. has been moved to the April meeting.

The following action took place.

REGULAR MEETING:

Board Planner Leigh Fleming was sworn in.

ORDINANCE REVIEW

AN ORDINANCE AMENDING LAND USE LEGISLATION, CHAPTER 421 (ZONING) TO MODIFY REGULATIONS FOR CLASS 5 CANNABIS LICENSED RETAIL BUSINESSES IN THE CITY OF RAHWAY

Board Planner Leigh Fleming introduced the amended Cannabis Ordinance, and explained the additions, changes and requirements that were added. Changes indicate that buffering must be included between cannabis uses and residential uses. The distance between retail and certain types of uses was added. Allowed hours were amended. The prohibition of drive through was removed, however there are many conditions on the drive through.

Chairman Robinson asked if all cannabis applications must come through the Planning Board.

Ms. Fleming confirmed this is correct, any applicant will have to appear before a board either Planning or Zoning.

Commissioner Shipley asked if there is a limited amount of businesses allowed. Only two of each class type will be allowed.

Commissioner Shipley asked about the amended distance requirements and if it will affect the potential locations of the retail. The distance to a park was reduced to 300 ft. in order to allow for more potential locations in the zone. They will also need fencing and landscape buffering between a residential zone.

Commissioner Mojica asked the board members if they would like to have this type of business in the area that they live. Mr. Mojica is concerned about the drive through, and this being close to residential areas.

Board Planner Fleming explained that there isn't much difference with a store front or drive through. Ms. Fleming does not believe the existence of a drive through really impacts the risks. Drivers are not allowed to open any product purchased in their vehicle.

Commissioner Brown asked where the drive through amendment came from, and why was it added?

Planner Fleming stated that the original ordinance prohibited drive throughs. This change gives the option of the drive through. It does not require a drive through, but they are no longer prohibited, which is consistent with the zones.

Attorney Karl Kemm explained that the Planning Board reviews any zoning changes for consistencies with the master plan. The Planning Board also has the option to make recommendations back to council. Then the council can reconsider this for the ordinance.

The board discussed the different issues with the possibility of drive through.

Commissioner Simon wanted to confirm that the drive through is pick up only (similar to pharmacy), with no ordering at the window. Yes, this was confirmed. Board Planner Fleming also stated there will be mandatory signage advising customers there is no ordering from the drive through, just pick up.

Commissioner Miles discussed that some of the issues are associated to the stigma attached to the cannabis, and believes we may have to move past it and count it as a regular business.

Chairman Robinson believes the drive through may help from stores having lines, and people hanging around outside the store.

Commissioner Brown doesn't believe that we need to make an exception for these businesses to have drive through.

Commissioner Timmons agreed with this and spoke about concern with the cannabis business.

Commissioner Simon believes the drive through will help with the parking issues that may be caused.

The board voiced concern over these businesses being adjacent to a residential property.

Commissioner Mojica was concerned about the security at the site.

Planner Fleming responded that there does need to be certain security measures at all cannabis sites.

The commissioners are concerned if the drive through backs up toward residential areas.

Commissioner Kemm explained that if the amendment is passed, the board can not deny a drive through on the application. If council removes it, the applicants can go to the Zoning Board and ask for a drive through window to be allowed.

Chairman Robinson believes that since a retail cannabis store is a legal business, it should be allowed to have a drive through just like all other businesses.

Commissioner Padulo questioned the reason for shrinking the distance to a park/playground.

Planner Fleming believes that it is due to the limitations the distances created for potential locations.

The board agreed to recommend to remove drive throughs from the ordinance. The board also agreed to recommend not to allow cannabis use adjacent to any residential zone or residential property. It was also recommended to keep the distance from parks to 500 ft and not amend it to 300 ft.

A motion was made to approve a resolution with changes as a recommendation to council to remove

the drive through amendment, to not allow cannabis use be adjacent to a residential zone or residential use, and to return distance from parks/playground to 500 ft.

Motion: Commissioner Timmons

Second: Commissioner Simon

Yes: Commissioners Miles, Mojica, Padulo, Simon, Timmons, Shipley, Brown

No: Chairman Robinson

Abstain: Commissioner Cladek

Absent: Commissioners Hering and Gustofson

Motion Approved

The meeting was opened to the public for comment. Public portion of the meeting was closed.

MEMORIALIZE

1206 Westfield Ave. LLC.

1206 Westfield Ave.

Application #5/22

Block 189 Lot 44

Applicant seeking a Minor Subdivision

Memorialization was carried to next month, due to discrepancy over ir conditioning setbacks.

COMMUNICATION

A resolution of the City Council of the City of Rahway authorizing and directing the Planning Board of the City of Rahway to undertake a preliminary investigation of certain properties identified as block 300, lots 6, 7, 8, 9, and 10 on the city of Rahway's tax map, to determine if such properties qualify as a condemnation area in need of redevelopment pursuant to the local redevelopment and housing law, n.j.s.a. 40a:12a-1 et seq.

Block 300 Lots 6,7,8,9 and 10 are the following properties:

815 Martin Street

827 Martin Street

505 Capobianco Plaza

519 Capobianco Plaza

880 Elston Street

Chairman Robinson explained that the Board Planner is being authorized to do a study of this area. There will be a report of the analysis submitted to the board when the study is complete.

MINUTES: Any necessary changes to the Planning Board meeting minutes of February 28th, 2023 shall be made and approved by action of the Commissioners

Motion: Commissioner Simon

Second: Commissioner Cladek

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Cladek, Brown, Chairman Robinson

No:

Abstain: Commissioner Timmons

Absent: Commissioners Hering and Gustofson

Minutes Approved

Commissioner made a motion to adjourn the meeting.

Motion: Commissioner Cladek Second: Commissioner Simon

**Yes: Commissioners Miles, Mojica, Padulo, Simon, Timmons, Shipley, Cladek, Brown,
Chairman Robinson**

No:

Abstain:

Absent: Commissioners Hering and Gustofson

ADJOURN: There being no further business; the meeting was adjourned at 8:28pm.