



Borough of Red Bank

90 Monmouth Street ♦ Red Bank, NJ 07701

MUNICIPAL COUNCIL SPECIAL MEETING AGENDA MARCH 29, 2023 ♦ 6:30PM

SUNSHINE STATEMENT This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, Two River Times and Star Ledger and posted in the Main Lobby of the Municipal Building and on the municipal website. Proper notice having been given; the Municipal Clerk is directed to include this statement in the minutes of this meeting.

The purpose of this meeting will be to deliberate and act on amendment considerations to the Red Bank Borough Code *CHAPTER 270 – CANNABIS, and CHAPTER 490 – Planning and Development Regulations.*

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENT (*Agenda Items Only*)

DISCUSSION

EXECUTIVE SESSION

ADJOURNMENT

NOTE: This may not be the order of business. There may be additions or deletions.

AN ORDINANCE AMENDING CHAPTER 490 ENTITLED "PLANNING AND DEVELOPMENT REGULATIONS" OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES

SECTION 1. The Revised General Ordinances of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article V, entitled "General Regulations, is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-56.2. Cannabis Establishments. Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

~~L. Cannabis businesses shall be prohibited in any area in which, under State or Federal law, any cannabis business would be prohibited from operating based upon its proximity to a school, park, housing authority property, public or private youth center, or swimming pool.~~

L. Site plan review is required. All proposed cannabis businesses must obtain site plan approval from the Planning Board.

M. Any cannabis microbusiness, as defined in the Cannabis Regulations shall comply with N.J.A.C. 17:30-6.7. A cannabis microbusiness shall be limited to 10 employees and premises no larger than 2,500 square feet.

N. Hours of delivery and shipping/distribution for cultivation, manufacturing, wholesaling, and distribution uses (Classes 1-4) shall be limited to 9:00 AM to 8:00 PM Monday through Saturday except for on-site Security The hours of operation for delivery service businesses (Class 6) shall be limited to 9:00 a.m. to 9:00 p.m.

SECTION 2. The Revised General Ordinance of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article IX, entitled "Conditional Uses", is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-122. Cannabis Retailer.

d. Hours of operation for Cannabis Retailers (Class 5) shall be limited to 10:00 AM to 8:00 PM Monday through Saturday and 12:00 PM and 6:00 PM on Sundays. Cannabis Retailers may receive deliveries between 9:00 AM and 8:00 PM Monday through Saturday and between 10:00 AM and 6:00 PM on Sundays.

e. Except for the HB Zone, no cannabis retailer shall be located within:

- i. 1,000 feet of a public or private school, playground, or housing facility owned by a public housing authority.
- ii. 500 feet of parks, houses of worship, and daycare centers.
- iii. 100 feet of public or private youth centers, swimming pool, or video arcade facility.
- iv. 250-foot radius of any retail cannabis business.

- v. Distances shall be measured from the property lines of the cannabis business site.

g. Cannabis Retailers are only permitted on and fronting the following streets:

- i. Riverside Avenue (Between Bridge Avenue and Pearl Street)
- ii. Shrewsbury Avenue (Between W Front and Monmouth Street)
- iii. Bridge Avenue (Between Riverside Avenue and Monmouth Street)
- iv. West Front Street (Between Shrewsbury Avenue and Pearl Street)
- v. Brower Street
- vi. Allen Place
- vii. Newman Springs Road (Between Shrewsbury Avenue and Route 35)

h. Parking requirements for retail cannabis businesses:

- i. Retail cannabis businesses shall all follow the loading and parking regulations set forth in Sections 490-97 and Section 490-98 of the Borough’s Planning and Development Regulations.

I. Consumption Lounges defined as public consumption of cannabis products purchased from a Class 5 retailer cannabis are not permitted within the Borough.

SECTION 3. Section 490-143 entitled “HB Highway Business Zone District,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

(20) **Cannabis Delivery Services**

SECTION 4. Section 490-144 entitled “CCD-1 Central Commercial District-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(12)~~ Cannabis Delivery Services

SECTION 5. Section 490-145 entitled “CCD-2 Central Commercial District-2,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(14) — Cannabis Delivery Services~~

SECTION 6. Section 490-146 entitled “BR-1 Business/Residential-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(20) — Cannabis Delivery Services~~

SECTION 7. Section 490-148 entitled “WD Waterfront Development District,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(20) — Cannabis Delivery Services~~

SECTION 8. Section 490-150 entitled “I Industrial Zone; LI Light Industrial Zone,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

(2) In either the Industrial (I) or Light Industrial (LI) Zone:

* * *

(g) ~~Cannabis Delivery Service.~~

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						JOHN JACKSON						
						ANGELA MIRANDI						
						JACQUELINE STURDIVANT						
						KATE TRIGGIANO						
						MICHAEL BALLARD						
						EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
Introduced: March 29, 2023						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: April 26, 2023												
						_____ Laura Reinertsen, Borough Clerk						

AN ORDINANCE AMENDING CHAPTER 270 ENTITLED "CANNABIS" OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HEREWITH, AND ESTABLISHING REQUIREMENTS FOR CANNABIS BUSINESS LICENSURE PROCEDURE

SECTION 1. The Revised General Ordinances of the Borough of Red Bank, Chapter 270, "Cannabis "is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

270-5.6 Cannabis Application Review

A. Cannabis Review Board. There is hereby created a review board to be known as the "Cannabis Review Board", which shall serve as an advisory committee to the Borough of Red Bank Council whose duty it shall be to (i) review license applications for Class 1-6 cannabis business within the Borough of Red Bank (ii) conduct hearings with the applicant and (iii) provide recommendation to Council for awarding licenses.

1. The purpose of the Cannabis Review Board is to assure the public health, safety and general welfare of the Borough of Red Bank and its residents, business establishments and visitors and to provide a recommendation to Council for awarding licenses for a cannabis establishment within the Borough of Red Bank.
2. The Review Board shall be comprised of the following members: Borough Council appointed Councilmember, Chief of Police, Director of Community Development, and Director of Code Enforcement.
3. The Review Board and the action thereof are subject to the enabling authority of the State New Jersey "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Personal Use Act"). If any provision of this section is found to be inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.
4. In the event there are multiple applicants for a license, the Cannabis Review Board shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:

(a) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principals (20%, not to exceed 2,500 words);

(b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (5%, not to exceed 1,000 words), and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (5%, not to exceed 2,500 words);

(c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (5%, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health and Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (5%), and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research (5%);

(d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a cannabis establishment license, in an effort to create well-paying jobs with employee benefits in the municipality (20% in total; five points for labor peace, full 20 points for collective bargaining agreement in effect for at least one year);

(e) Summary of the applicant's environmental impact and sustainability plan (4%, not to exceed 500 words); whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability (3%); and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system (3%);

(f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Red Bank for five or more years in the past 10 years or at least one shareholder's continuous ownership of a business based in Red Bank for five or more years in the past 10 years and is in good standing with the Borough of Red Bank (5%); and

(g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (20% in total; 10 points for one certification and 20 points for two or more).

- B. Classification of Licenses. The Borough, subject to land use approval and State licensure, may issue municipal licenses to operate Class 1-6 cannabis businesses.
- C. Maximum number of licenses. The Borough may issue a maximum of one (1) Class I, one (1) Class II, one (1) Class III, one (1) Class IV, one (1) Class VI, and three (3) Class V licenses. The Borough adopts license limitation per N.J.A.C. 17:30-6.8.

- D. Administrative and municipal license application. A cannabis establishment seeking a license from the Borough under the class of license awarded by the State submit to the Board one (1) original and five (5) copies of an application for Cannabis Establishment License (the Application) in the form and manner prescribed by the Board, which shall include, without limitation, the following attachments:
1. A complete copy of the Cannabis Establishment state license application;
 2. Documentary proof that Cannabis Establishment has been awarded a License or a Conditional License by the State;
 3. Documentary proof that the Cannabis Establishment has, or will have, lawful possession of the premises and/or vehicle(s) proposed for use, which evidence may consist of a deed, lease, real estate contract contingent upon successful licensing and permitting, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the Cannabis Establishment upon successful licensing and permitting in the case of real property; or a motor vehicle registration card or a lease or financing agreement for each vehicle owned or operated by the Cannabis Establishment in the case of vehicles used for Distribution and Delivery services;
 4. Documentary proof that all owners, operators, directors, officers and employees required to submit to a background check under the Act have done so and passed;
 5. Documentary proof that applicant has the financial ability to open and operate the Cannabis Establishment for which the entity is seeking a permit based upon standards of proof of financial suitability established by the Board;
 6. Floor plans and/or architectural renderings showing the plans for build-out or retrofit of the interior and exterior of the Cannabis Establishment's premises;
 7. Drawings and specifications meeting the standards set forth by the state and the Board for vehicles to be used by Distributors and Delivery services;
 8. A map of nearby Cannabis Establishments indicating compliance with maximum number or set back requirements with respect to the proximity of public or private schools, child daycare centers, places of worship, residential buildings and other Cannabis Establishments as measured from the main entrance of each establishment;
 9. An affidavit certifying compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices;
 10. An affidavit certifying that (a) the Cannabis Establishment will not discriminate based on race, color, religion or creed, gender, gender expression, age, national origin or ancestry, disability, marital status, sexual orientation or military status in any of its hiring practices or business activities; and (b) 35% or more of the Cannabis Establishment's workforce does or will consist of city residents;
 11. Site plan approval from the Borough's Planning Board;
 12. A development permit approval from the Borough's Administrative Officer; and
 13. Any other information, consistent with state licensing and Borough's permitting requirements, which the Board requests.
- E. Administrative Fees. A non-refundable, administrative fee of \$500 shall be submitted with each Application and amended Application submitted to the Board for review.

- F. The Review Board shall receive and review all license applications for cannabis businesses and conduct a hearing with each applicant. The Board will review and provide recommendations to Council for a resolution awarding the applicant’s cannabis license or deny the application.
- G. A waiting list shall be kept of the applicants that’s have gone through the hearing process.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						JOHN JACKSON						
						ANGELA MIRANDI						
						JACQUELINE STURDIVANT						
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