

Approved

**BOROUGH OF STRATFORD LAND USE BOARD
RESOLUTION #2021:10**

Review, Recommendations and Findings, per referral from Mayor And Council to Review New Cannabis Legislation and Make Recommendations to the Governing Body Action Date: March 25, 2021
Memorialized: April 22, 2021

WHEREAS, the Mayor and Council have determined that it is in the best interest of the residents of the Borough of Stratford to request that the Borough of Stratford Joint Land Use Board (hereinafter, "Board") review the Borough zoning ordinances and to report its recommendations and findings regarding the potential adoption or revisions to the ordinances relating to zoning for authorized legalized marijuana facilities; and

WHEREAS, pursuant to the MLUL, N.J.S.A. 40:55D-1, et seq., legislation/ordinances involving and/or affecting the land use and zoning must be referred to the Board for review and comment prior to adoption and enactment of such legislation/ordinances; and

WHEREAS, at a public meeting held on March 4, 2021, the Council of the Borough of Stratford reviewed the new state legislation which provides for the legalization, regulation, and licensing of four (4) different potential use categories with respect to the legalized and State-regulated, cultivation, processing, distribution, and sale of marijuana and marijuana products, as well as State-regulated procedures for testing marijuana products; and

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the new State legislation would permit six (6) types of marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Borough of Stratford has never adopted an enabling ordinance to allow for cannabis production, cultivation, processing, distribution, and/or retail in any form, whether for medical or recreational use within the Borough of Stratford; and

WHEREAS, the Borough of Stratford has never adopted any zoning ordinance and/or zoning amendment to allow for cannabis production, cultivation, processing, distribution, and/or retail in any form, whether for medical or recreational use within the Borough of Stratford; and

WHEREAS, Mayor and Council referred to the Board for its review, analysis, contemplation, and study, with the assistance of its professional consultants, its request to provide a report and recommendations to the Mayor and Council as to the new State legislation and how the Borough of Stratford should respond to the legislation; and

WHEREAS, the Board considered these issues as presented by its Solicitor, as detailed herein; and

WHEREAS, a public hearing was provided and no comments were made; and

NOW, THEREFORE, BE IT RESOLVED that after review and consideration, the Board adopted as its report and recommendations to Mayor and Council as follows:

1. The Land Use Board has reviewed the new State legislation regarding cannabis and recommends that the Mayor and Council of the Borough of Stratford take action to opt out from the legalization of cannabis businesses in the Borough of Stratford.

2. This Resolution shall be considered the report and recommendation of the Borough of Stratford Joint Land Use Board as required by N.J.S.A. 40:55D-1, et seq.

The foregoing action was taken by the Board on March 25, 2021 upon the motion of Morello, seconded by McGovern, for the adoption and memorialization of this Resolution, with the vote on the motion being as follows:

AYE: Mancini, McGovern, Hall, Keenan, Lomanno, Morello,
Mount, St. Maur

NAY: Kozeniewski

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The foregoing action was memorialized by the Board on April 22, 2021 upon the motion of St. Maur, seconded by McGovern, for the adoption and memorialization of this Resolution, with the vote on the motion being as follows:

AYE: Mancini, McGovern, Hall, Keenan, Lommano, Morello,
Mount, St. Maur

NAY:

ABSTAIN: Kozeniewski

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the Board hereby certifies that the above is a true copy of the Resolution 2021:10 adopted and memorialized by the Board on April 22, 2021.



SHARON McCART

Stratford Joint Land Use Board Secretary