



**Borough of Stockton
County of Hunterdon
Planning Board**



December 3, 2024 Meeting Minutes

The Stockton Borough Planning Board Reorganization Meeting was held via Zoom and called to order on December 3, 2024 at 7:00pm by Mr. Bonanni who read the following statement: Adequate notice of this meeting has been provided by a notice mailed to the Hunterdon County Democrat and The Trenton Times posted on the Borough Website, on the window of Borough Hall, and filed with the Borough Clerk as required by law.

Ms. Orlando read the following: The Board's General Policy is to end the presentation of testimony on applications and Board discussions by 9:00 PM and to conclude all Board business by 9:30 PM. When necessary, the Chair may permit a reasonable extension of those time limits. This meeting is being held via Zoom, a cloud-based web conferencing program. This meeting is being conducted pursuant to guidance from the Division of Local Government Services ("DLGS"). <https://www.nj.gov/govconnect/news/general/#8>. All members of the public participating in this meeting will be muted during the meeting. Please keep yourself muted until instructed to unmute yourself in order to prevent unnecessary disruptions. If you have a question or comment during the designated public comment period, please click "raise your hand"; at the bottom of your screen. You will need to have the "participants" window visible in order to see the "raise your hand"; button. You will be instructed to unmute yourself and turn on your camera (if able). If you have called into the meeting, please press *9 to raise your hand. The moderator will call on you and will need to press *6 to unmute yourself when it is your turn to speak. Please be advised that if you called into the meeting, you will be identified by your telephone number. The moderator will, if needed, acknowledge you by the last 4 digits of your telephone number. Your telephone number will be visible to all participants in the meeting and will be visible to anyone that watches a recording of this meeting. Before you begin your comment, please state your name and address for the record. If you are having technical issues, please use the chat function to alert the moderator. Please do not use the chat function for any other purpose during the meeting. Public comments and questions will not be accepted via the chat function.

Roll Call and Attendance

Present: Ms. Bassett, Ms. Brown, Mayor Lipsen, Vice Chair Meltzer, Mr. Wallace, Dr. Harrison, Mr. Gallagher, Chair Bonanni

Absent: Mr. Martino, Mr. Miller

Also present: Attorney Tara St. Angelo, Planner Joanna Slagle, Board Secretary Monica Orlando

Flag salute done by all.

Board Attorney Tara St. Angelo administered the Oath of Office to Dr. Jeffrey Harrison

Chair Bonanni commended Ms. Orlando for obtaining her Planning Board secretary certification from Rutgers.

Approval of Bills

Planning Board Account

Gebhardt & Keifer – Inv # 102455 dated November 18, 2024 - \$952.00

Stockton Inn Escrow

Gebhardt & Keifer – Inv # 102456 dated November 18, 2024 - \$323.00

Motion by Ms. Bassett to pay the bills as written. Second by Mr. Hunt.

Ayes: Bassett, Brown, Hunt, Lipsen, Meltzer, Wallace, Chair Bonanni. Nays: none



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Motion carried

Public Hearing – Master Plan Reexamination Report

Ms. Slagle reviewed the Reexamination Report.

She stated there are several criteria under the municipal land, use law criteria ABCDE and F which she had forgotten to speak about at the October meeting.

Criteria A is the major problems identified in the prior reexamination report.

Criteria B is what has happened since that prior reexamination report, and if those problems and objectives have been addressed or increased

Criteria C is have there been any changes, not only locally but regionally statewide and even sometimes federally, that impacts just land use because we're a land use body. We're just looking at land use issues.

Criteria D is specific changes recommended to the Master Plan and development regulations based on sort of that analysis.

Criteria E is talking about the redevelopment law which isn't applicable to the Borough

Criteria F is consistency with the public utility ie: EV cars, and charging infrastructure.

Ms. Slagle reviewed the major points in the Master Plan, which is on the website for review,

Chair Bonanni opened the meeting for Public Comment.

Eileen Foley, 11 Bridge Street: stated that appendix A states to promote and enhance Stockton as a cultural commercial and tourism hub of the Delaware River communities, and she fears this will cause overdevelopment in Stockton Borough. Further promotion of tourism could exasperate challenges with traffic and parking issues. That much of the Master plan aims to address. She believes that removing this language would help align the report with our community's current priorities and preserve Stockton's unique character.

Ms. Slagle responded and stated that this is the official adopted goals and policy and objective statement as part of the land use plan in 2006. So they couldn't amend this section without amending the actual land use plan.

Michael Odenwald, 19 and 25 Risler Street: stated he is encouraged by the master plan and the progress and the language, and the direction specifically with regards to the terms economic development and the classifications of cannabis, dispensary. He spoke about language regarding local cannabis tax. He questioned what is a vertically integrated cannabis establishment. Ms. St. Angelo stated it essentially is their own supply chain. They own the grow facility, the manufacturing facility, and the dispensary. Mr. Odenwald commended Ms. St. Angelo on her correct explanation and then stated he does not believe the Planning Board has any business making recommendations on the operations of cannabis business.

Mr. Odenwald then asked there was no public hearing on this Master Plan Reexamination. In October the Board stated it would be at Prallsville Mill. Ms. St. Angelo advised Mr. Odenwald this is the Public Hearing that is required by the MLUL and was properly noticed and is prior to the Board's consideration and vote on adoption of the Master Plan Reexamination Report.

Seeing no further comments, Chair Bonanni closed this portion of the meeting.

Chair Bonanni asked for a Motion to Adopt the Master Plan Reexamination Plan.

Motion by made Mr. Hunt. Second by Ms. Bassett.

Mr. Hunt addressed the comments by Ms. Foley and stated that as the planner has mentioned this is history, and we can't amend it at this time but the language in Number 4 states to promote and enhance Stockton as a cultural, commercial, and Tourism hub of the Delaware River communities is awesome which is modified with the language to manage change consistent with historic and existing development patterns and encourage context, sensitive redevelopment within a central business district at a scale and intensity consistent with the borough's



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historic development patterns, and he believe that offers protection.

Chair Bonanni asked: regarding the Local Cannabis tax, are other municipalities doing this as well? Ms. Slagle stated that this is actually a common summary in other reexamination reports in other municipalities with the changes in Cannabis law. Ms. St. Angelo added that you wouldn't talk about specific taxes you can get from a business in your master plan. But because cannabis is such a new thing the user tax and the taxes that can be collected as a result are unique and different from other uses. Therefore it's often highlighted in the Master Plan. Mayor Lipsen thanked the professionals for all the hard work that they put into this and their professionalism and expertise as well as the Board members.

Roll call vote

Ayes: Bassett, Brown, Hunt, Lipsen, Meltzer, Wallace, Chair Bonanni. Nays: none

Ms. St. Angelo stated she would prepare a resolution formalizing the adoption.

New Business

Planning Board review and Discussion of Ordinance 2024-12 Entitled “An Ordinance of the Borough of Stockton, County of Hunterdon, New Jersey, Permitting Class 5 Cannabis Retailers in the Commercial Residential (CR) Zone and Regulating Class 5 Cannabis Retailers”

Mayor Lipsen recused himself “due to geographic matters”.

Ms. Slagle explained that MLUL states that anytime that there's a land development ordinance that's introduced by Borough Council, it has to come back to the Planning Board to review that ordinance in a very narrow window to make sure it's not inconsistent with the Master Plan. She referenced her memo sent to the Planning Board ahead of this meeting and stated there are 2 distinct sections in this ordinance.

The first section is the Land Development Regulations, and that's what the Planning Board reviews. The second section of that ordinance is licensing provisions that's in the Borough Council's purview.

This ordinance permits Cannabis retail facilities within the CR districts only as a conditional use. This means that in addition to permitting the use there are additional standards that must be met in the order by any applicant and those conditional use standards are to mitigate any potential negative impact of that use.

The conditional use standards are looking at:

Buffer requirements from the use to adjoining uses, such as schools, municipal park, municipal playground, and anything where children congregate.

Landscape and buffering requirements from that use to adjacent residential properties or zones.

Ensuring that the operational hours are consistent with 9 to 7 on Mondays through Saturdays, and 12 to 5 on Sundays

Ensuring safe loading and unloading of any cannabis product into the facility or out of the facility.

Ensuring that you're meeting all of the state requirements for the type of inventory

A security plan and system must be identified, and the police department should be a part of this

No product can be visible from the public to the public signs can include a cannabis leaf or any type of that product

All mechanical equipment must be muffled for noise and odor, reduction, and things along that line

Ms. Slagle stated that most of these conditional use standards are actually also requirements in the regulatory act.

She stressed that the Planning Board is only reviewing the ordinance – is now that cannabis is a legal product, is this use of retail sales consistent with the municipal master plan. She started that this is a commercial-residential district, and opportunities in this district are not only residential, but also retail professional office and everything along those lines. So, in a sense, a retail establishment is already consistent with the master plan and zone plan, because that's the intent and purpose of the commercial residential district. The secondary or conditional use standards are basically just enhanced standards to mitigate any potential negative impacts of this new use.



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The Planning Board's role is really just to determine if this retail use is consistent with our current master plan and zone plan.

Chair Bonanni opened this portion of the meeting to Board discussion.

Ms. Brown feels that 200 feet buffer is not really adequate and stated other municipalities have 500 feet. She also stated the D&R Canal Park should be included, not just the municipal park, and mentioned a school bus stop right in the middle of town. Pin terms of promoting the cultural, commercial, and tourism aspects of town she stated that this is not a typical retail product, like a clothing store, an art gallery, and tourists may adverse opinion or impression of the town. She believes that the Borough is too small to allow that possibility of a detrimental impact.

Mr. Hunt stated that many municipalities don't have a buffer at all, and this was considered as the ordinance was being drafted and the Council ultimately decided on 200 feet. He believes the Planning Board should only comment on consistency with the Master Plan and not make recommendations.

Ms. Slagle clarified that the role of the Planning Board is looking at master plan consistency but is also always welcome to provide those recommendations and comments. This isn't a public hearing on the ordinance or the adoption of the ordinance. This is to provide feedback to the to the Borough Council, who will has to hold that public hearing and have that public discussion on the ordinance prior to its adoption. The Public Hearing for this ordinance is the December 16th Council meeting and that has its whole own public comment section that is part of the record. Anything stated at this meeting isn't part of that adoption record. It's just recommendations from the Planning Board up to Council.

Mr. Hunt reiterated that he doesn't believe comments should be sent to the Council unless they are unanimously voted on by the Board. Chair Bonanni respectfully disagreed and asked for the professionals input. Ms. Slagle stated it's not uncommon for the Planning Board to submit a letter highlighting some of the recommendations or the thoughts that came out of the discussion. The language in the MLUL is to provide council with any comments on any development ordinance.

Motion to deem Ordinance 2024-12 is not inconsistent with the Master Plan by Mr. Hunt. Second by Ms. Brown.

Roll call vote

Ayes: Hunt, Meltzer, Wallace, Chair Bonanni

Nays: Bassett, Brown

Abstain: Mayor Lipsen

Motion passed.

Ms. Bassett stated she voted no as she agreed with Ms. Brown's concerns on the buffer zone.

Old Business

Ms. Slagle gave the following update regarding Affordable Housing

There are very tight deadlines in this 4th round. The first step is the Borough Council in January has to send a resolution down to DCA that they are going to participate. The adopted housing element and fair share plan is prepared by the Planning Board and endorsed by Borough Council. The Borough has always accepted an adjustment to the number, because of the lack developable land. We'll be using that adjustment again, same as the second and 3rd round plan that we were certified with.

Ms. Orlando reminded the Board that the Reorganization meeting will be January 7, 2025 via Zoom at 7pm and that there would be an application hearing in addition to the regular Reorganization meeting.

Mr. Hunt asked for clarification on a legal bill regarding demo permits and Ms. St. Angelo explained.



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Open to the Public – Non-Agenda Items

Chair Bonanni opened the meeting for Public Comment.

Eileen Foley, 11 Bridge St: believes the ordinance is inconsistent with the master plan. She urged the Planning Board to recommend the inclusion of the following historic and natural landmarks in the ordinance. By including these landmarks in the cannabis dispensary ordinance, we uphold the directive, and as the master plan emphasizes, maintain and improve the unique and desirable character of the Borough.

Steve Giocondo, 1 Glenwood Ln: He stated that the proposed Cannabis Ordinance is not consistent with our master plan, or the enabling State cannabis law with respect to limitations on operation of a cannabis business premise within a certain distance to the closest playground or park. He believes that failure to include the D&R Canal Trail State Park overlooks the importance of the park and fails to protect the public who utilize it.

Chair Bonanni thanked both speakers for their suggestions.

Michael Odenwald 19 & 25 Risler: asked if he could comment on other comments made. He began to address Mr. Giocondo and Mr. Gallagher stepped in and advised Mr. Odenwald to only address the Board. An exchange between Mr. Odenwald and Mr. Gallagher followed, and Ms. St. Angelo stepped in and stated Mrs. Gallagher is correct. Mr. Odenwald expressed his displeasure at his belief that there was no public meeting for the Master Plan Reexamination report. He stated his belief that at the end of 2025, there will be a dispensary in town that will pay the town over \$100,000 a year for the next 10 years.

Chair Bonanni added that the Board voted with a majority vote that the Cannabis ordinance is not inconsistent with the Master Plan. He also stated that this meeting is a public meeting, with no attendance restrictions, and a public comment portion.

Adjournment

Motion by Ms. Bassett to adjourn. Second by Mr. Hunt. All in favor.

Respectfully submitted,

Monica Orlando
Planning Board Secretary