

**ACTION MEETING
MUNICIPAL BUILDING**

**July 27, 2021
DELRAN, NJ**

Sunshine Statement: Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 7, 2021 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Jeney, Ms. Parejo and Mr. Lyon were present. Mr. Smith and Mr. Burrell were absent.

ALSO PRESENT: Mr. Catrambone, Mayor, Ms. McPeak, Solicitor, Mr. Winckowski, Engineer, Mr. Hatcher, Administrator and Ms. Eggers.

ORDINANCE(S) ON SECOND READING

**TOWNSHIP OF DELRAN
ORDINANCE 2021-13**

**ORDINANCE ESTABLISHING ADULT USE CANNABIS AS A CONDITIONALLY
PERMITTED USE WITHIN CERTAIN BUSINESS AND INDUSTRIAL ZONING
DISTRICTS**

WHEREAS, the Township of Delran, (“Township”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Burlington County; and

WHEREAS, on February 21, 2021, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”) was signed into law; and

WHEREAS, CREEAMA both legalizes and decriminalizes adult use cannabis within New Jersey; and

WHEREAS, the law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries; and

WHEREAS, the Planning Board of the Township of Delran has on June 3, 2021, adopted an amendment to the Land Use Element of the Master Plan; and

WHEREAS, said Master Plan Amendment made specific recommendations to permit each of the six categories of cannabis uses under specific conditions and within specific zoning districts; and

WHEREAS, the recommendations of the Planning Board as stated in the Master Plan Amendment are to amend the Township’s zoning regulations to permit classes I, II, III, and IV of cannabis businesses, known as cannabis cultivation, manufacturing, wholesaling, and distribution as conditional uses within the M-2 General Industrial and M-3 Special Commercial and Industrial zoning districts of the Township; and

WHEREAS, the Master Plan recommends permitting classes V and VI licensed cannabis

businesses, known as retailers and delivery service uses as conditional uses within the C-2 General Commercial and the PCD Planned Commercial Development zoning districts of the Township; and

WHEREAS, the Township Council finds that it is in the best interests of the Township to implement these zoning recommendations as developed by the Planning Board and stated within the Master Plan Amendment; and

THEREFORE, BE IT ORDAINED by the Township Council of the Township of Delran, County of Burlington, State of New Jersey as follows:

SECTION 1. Chapter 355 entitled “Zoning” of the Township Code shall be amended to incorporate the following regulations and standards for cannabis businesses:

Chapter 355, Article II Terminology, shall be amended to include the following new defined terms:

Section 355-6, Definitions.

CANNABIS - All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER - Any licensed person or entity that processes cannabis items

in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license

Chapter 355, Article XI General Commercial District C-2, shall be amended to include the following new uses as conditional uses in the C-2 district:

Section 355-43.B Permitted, conditional, and prohibited uses.

B. The following uses are permitted as conditional uses, subject to the specific conditions set forth elsewhere in this chapter:

(10) Cannabis Retailer or Cannabis Delivery Service, subject to the following conditions:

- a. Such facility shall meet all requirements for licensure, and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- b. No facility shall permit on-site consumption of cannabis or cannabis related products.
- c. No outside storage of any cannabis, cannabis products, or cannabis related materials shall be permitted.
- d. The hours of operation for any cannabis retail facility shall be from 9:00 am to 10:00 pm, seven days a week.
- e. A security plan shall be submitted to the Township Police Department demonstrating how the facility will maintain effective security and control of operations. The security plan should identify the type of security systems to be employed, tracking and record keeping of products and materials, surveillance systems to be used, and whether or not any armed security personnel will be on the premises.

- f. For each of these classifications of operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation, and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.
- g. There shall be a maximum of six (6) licensed cannabis businesses of any classification within the Township, and no more than four (4) of those may be retail cannabis facilities.

Chapter 355, Article XIII Planned Commercial Development District PCD, shall be amended to include the following new uses as conditional uses in the PCD district:

Section 355-54 Permitted, conditional, and prohibited uses.

B. The following uses are permitted as conditional uses, subject to the specific conditions set forth elsewhere in this chapter:

(5) Cannabis Retailer or Cannabis Delivery Service, subject to the following conditions:

- a. Such facility shall meet all requirements for licensure, and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- b. No facility shall permit on-site consumption of cannabis or cannabis related products.
- c. No outside storage of any cannabis, cannabis products, or cannabis related materials shall be permitted.
- d. The hours of operation for any cannabis retail facility shall be from 9:00 am to 10:00 pm, seven days a week.
- e. A security plan shall be submitted to the Township Police Department demonstrating how the facility will maintain effective security and control of operations. The security plan should identify the type of security systems to be employed, tracking and record keeping of products and materials, surveillance systems to be used, and whether or not any armed security personnel will be on the premises.
- f. For each of these classifications of operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation, and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.
- g. There shall be a maximum of six (6) licensed cannabis businesses of any classification within the Township, and no more than four (4) of those may be retail cannabis facilities.

Chapter 355, Article XVI General Industrial and Commercial District M-2, shall be amended to include the following new uses as conditional uses in the M-2 district:

Section 355-70 Permitted, conditional, and prohibited uses.

C. The following uses are permitted conditional uses in this zone:

(1) Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, or Cannabis Distributer, subject to the following conditions:

- a. Such facility shall meet all requirements for licensure, and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- b. No cannabis facilities shall be permitted on Block 9, Lots 43, 44, 44.01, 45 and 46, the properties that currently make up the Hunters Glen residential development.
- c. No facility shall permit on-site consumption of cannabis or cannabis related products.
- d. No outside storage of any cannabis, cannabis products, or cannabis related materials shall be permitted.
- e. A security plan shall be submitted to the Township Police Department demonstrating how the facility will maintain effective security and control of operations. The security plan should identify the type of security systems to be employed, tracking and record keeping of products and materials, surveillance systems to be used, and whether or not any armed security personnel will be on the premises.
- f. For each of these classifications of operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation, and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.
- g. There shall be a maximum of six (6) licensed cannabis businesses of any classification within the Township, and no more than four (4) of those may be retail cannabis facilities.

Chapter 355, Article XVII Special Industrial and Commercial District M-3, shall be amended to include the following new uses as conditional uses in the M-3 district:

Section 355-75 Permitted and conditional uses.

I. The following uses are permitted conditional uses in this zone, subject to the conditions listed herein:

(1) Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, or Cannabis Delivery Service, subject to the following conditions:

- a. Such facility shall meet all requirements for licensure, and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- b. No cannabis facilities shall be permitted on Block 9, Lots 43, 44, 44.01, 45 and 46, the properties that currently make up the Hunters Glen residential development.
- c. No facility shall permit on-site consumption of cannabis or cannabis related products.
- d. No outside storage of any cannabis, cannabis products, or cannabis related materials shall be permitted.
- e. A security plan shall be submitted to the Township Police Department demonstrating how the facility will maintain effective security and control of operations. The security plan

should identify the type of security systems to be employed, tracking and record keeping of products and materials, surveillance systems to be uses, and whether or not any armed security personnel will be on the premises.

- f. For each of these classifications of operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation, and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.
- g. There shall be a maximum of six (6) licensed cannabis businesses of any classification within the Township, and no more than four (4) of those may be retail cannabis facilities.

Chapter 355, Article XIX Supplemental Regulations, shall be amended to include the following new off-street parking requirements for cannabis business uses:

Section 355-92 Nonresidential off-street parking and loading requirements.

E. The following parking schedule shall be used to calculate the required number of off-street parking spaces per use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the nearest whole number.

Cannabis Cultivator – 1 per every 1,000 square feet of gross floor area

Cannabis Delivery Service – 1 per every 1,000 square feet of gross floor area, plus 1 parking space for every delivery driver or fleet vehicle.

Cannabis Distributor – 1 per every 1,000 square feet of gross floor area

Cannabis Manufacturer – 1 per every 1,000 square feet of gross floor area

Cannabis Retailer – 1 per every 200 square feet of gross floor area

Cannabis Wholesaler - 1 per every 1,000 square feet of gross floor area

SECTION 2. This ordinance shall take effect immediately.

Mr. Jeney made a motion to open the meeting to the public, seconded by Ms. Parejo. All were in favor, motion approved.

There were no comments.

Mr. Jeney made a motion to close the public portion, seconded by Ms. Parejo. All were in favor, motion approved.

Ms. Parejo made a motion, seconded by Mr. Jeney to adopt Ordinance 2021-13 on second reading.

There being no questions, the roll was called.

Mr. Jeney, Ms. Parejo and Mr. Lyon voted aye.

Ayes: 3

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
ORDINANCE 2021-14**

ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF DELRAN, PART II, CHAPTER 150, ENTITLED “FEES”, WITH NEW SECTION 150-18 TO COLLECT A STATUTORILY AUTHORIZED TWO PERCENT (2%) MUNICIPAL TRANSFER TAX ON CANNABIS SALES BY CLASS I, II AND V LICENSE HOLDERS AND ONE PERCENT (1%) MUNICIPAL TRANSFER TAX ON CANNABIS SALES BY CLASS III LICENSE HOLDERS

WHEREAS, the Township of Delran, (“Township”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Burlington County; and

WHEREAS, on February 21, 2021, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”) was signed into law; and

WHEREAS, CREEAMA both legalizes and decriminalizes adult use cannabis within New Jersey; and

WHEREAS, the law establishes six (6) specific classes of cannabis businesses that may be licensed by the State and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries; and

WHEREAS, the Township is concurrently amending its zoning ordinance (Chapter 355, Articles XVI and XVII) to permit Class I, II, III, and IV cannabis businesses for cultivation, manufacture, wholesale, and distribution as conditional uses within the M-2 General Industrial and M-3 Special Commercial and Industrial zoning districts of the Township; and

WHEREAS, the Township is also concurrently amending its zoning ordinance (Chapter 355, Articles XI and XIII) to permit class V and VI licensed cannabis businesses for retailers and delivery service uses as conditional uses within the C-2 General Commercial and the PCD Planned Commercial Development zoning districts of the Township; and

WHEREAS, Section 40 of CREAMMA authorizes the imposition of a municipal tax on the lawful sale of cannabis; and

WHEREAS, the Township desires to impose a two percent (2%) municipal transfer tax on revenues generated by the lawful sale of cannabis by Class I, II, and V license holders, and a one percent (1%) municipal tax on revenues generated by the lawful sale of cannabis by Class III license holders;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of Delran, County of Burlington, and State of New Jersey as follows:

SECTION 1. Part II, Chapter 150-1 *et seq.* of the Code of the Township of Delran is hereby amended and supplemented as follows:

§ 150-18 Cannabis Municipal Tax.

Pursuant to Section 40 of the New Jersey Cannabis Regulatory, Enforcement and Marketplace Modernization Act (CREAMMA), the following municipal tax shall be collected from the following cannabis license holders:

- A. A two percent (2%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class I, II and V license holder.
- B. A one percent (1%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class III license holder.

SECTION 2. This ordinance shall take effect immediately.

Ms. Parejo made a motion to open the meeting to the public, seconded by Mr. Jeney. All were in favor, motion approved.

There were no comments.

Mr. Jeney made a motion to close the public portion, seconded by Ms. Parejo. All were in favor, motion approved.

Mr. Jeney made a motion, seconded by Ms. Parejo to adopt Ordinance 2021-14 on second reading.

There being no questions, the roll was called.

Mr. Jeney, Ms. Parejo and Mr. Lyon voted aye.

Ayes: 3

Nays: None

Motion Approved

RESOLUTION(S)

**TOWNSHIP OF DELRAN
RESOLUTION 2021-123**

**A RESOLUTION AUTHORIZING THE SUBMISSION
TO THE VOTERS OF THE TOWNSHIP OF DELRAN
AT THE GENERAL ELECTION ON NOVEMBER 2, 2021
A PROPOSITION AUTHORIZING AN ANNUAL LEVY \$400,000.00 FOR THE
ESTABLISHMENT OF A DELRAN TOWNSHIP OPEN SPACE PRESERVATION FUND
AS PERMITTED BY
N.J.S.A 40:12:15.7 FOR A PERIOD NOT EXCEEDING TWENTY YEARS**

Ms. Parejo made a motion, seconded by Mr. Jeney to adopt Resolution 2021-123.

There being no questions, the roll was called.

Mr. Jeney, Ms. Parejo and Mr. Lyon voted aye.

Ayes: 3

Nays: None

Motion Approved

MOTIONS

Mr. Jeney made a motion, seconded by Ms. Parejo authorizing the payment of bills including all purchases made under the cooperative purchasing agreement.

There being no questions, the roll was called.

Mr. Jeney, Ms. Parejo and Mr. Lyon voted aye.

Ayes: 3

Nays: None

Motion Approved

At this time, Council proceeded with the regularly scheduled work session.

Submitted,

Jamey Eggers
Municipal Clerk