

The regular meeting of the Delaware Township Planning Board was held on the noted date, in the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey; in conjunction with virtual meeting procedures via ZOOM. Chair Rosalind Westlake opened the meeting at 7:30 p.m.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

STATEMENT

Chair Westlake read a statement noting that the requirements of the Open Public Meetings Act have been satisfied. Notice of this meeting was properly transmitted to the Hunterdon County Democrat, Trenton Times, and Star Ledger, posted on the Delaware Township bulletin board and filed at Town Hall; all on January 6, 2021.

ROLL CALL

Present:	Class I	James Waltman
	Class II	Elliot Gray
	Class III	Joe Vocke
	Class IV	Joan Bailly, Dave Bond , Larry Coffey, Kathy Katz, Richard Macomber, Rosalind Westlake
	Alternate	Mark Wright , Tim Drew
	Liaison from	Chuck Cline, Caine Fowler
	ZBA	
	Advisor	Christian Bench
	Administrative Officer	Kathleen Klink
	Attorney	Steven Goodell, Esq. , not needed
	Engineer	C. Richard Roseberry, P.E. , not needed

Absent: shown by strikethroughs

APPROVAL OF MINUTES FROM THE MEETING of May 4, 2021

Prepared minutes were distributed to members for review. Member Katz made a motion to approve the minutes from the noted meeting. Member Coffey seconded the motion, and members approved the minutes as written, with an abstention by Member Macomber.

Correspondence: BILL LIST, Members reviewed the Bill List, as follows.

Legal Bills: Parker McCay, P.A.

General Legal Matters,
through April 8, 2021, #3130588 \$102.00

Member Coffey moved to approve payment of this bill, Member Bailly seconded the motion.

Roll Call Vote

Aye: Vocke, Bailly, Coffey, Drew, Katz, Macomber, Westlake

Nay: None

Absent: Waltman, Gray, Bond, Wright

Legal Bills: Parker McCay, P.A. - Escrow Accounts

19/29 and 29.01, Opdyke, #3130589 \$51.00

Member Coffey moved to authorize payment of the noted bill(s) from the appropriate escrow account, Member Bailly seconded the motion, and members unanimously authorized payment.

CORRESPONDENCE – Old Business, to include Memorializations – None

CORRESPONDENCE – New Business, to include Applications – None

Delaware Township Ordinance 2021-05: An Ordinance to Amend Section §230-12 of the Delaware Township Municipal Code Prohibiting the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries

Copies of the proposed ordinance were distributed to Members for their review; some typographical errors were noted.

Liaison Cline reported that he had attended the Township Committee at which this ordinance was discussed. He noted that there appear to be two choices, opt-in or opt-out. He noted that with the opt-in choice, the Township has no control for five years. He noted that if the Township opts-out, it can be temporary until some guidelines can be developed.

Member Coffey stated that he is concerned that opting-out for Class I, the farmers, creates a handicap for them. He noted that the Ag Advisory Committee is made up of farmers who are not interested in the program. He noted that the State has created confusion with no guidelines or rules. He noted that one argument from the Ag people is that the big companies will buy up the licenses which will not benefit the local farmers.

Member Katz agreed with many of the comments made.

Member Macomber stated that he lived in Colorado when recreational cannabis use was passed. He noted that the growing operations were huge and that it brought in unscrupulous people.

Members Westlake and Bailly agreed that without the infrastructure it would be difficult to opt-in at this time. Chair Westlake noted that the Township Committee is asking for a recommendation from the Planning Board. Member Vocke stated that the TC is not asking for a recommendation at this time, but for the Planning Board to review the proposed ordinance.

Member Coffey opined that the Township should opt-out at this time and delve into the issues when it is more appropriate. Member Bailly agreed with this opinion.

Member Katz suggested that if the farmers are interested that could look into developing an ordinance.

Member Drew stated that if Class I is omitted from the opt-out, too many questions are left unanswered. He suggested that the ordinance be left as presented by the Township Committee.

When asked, no one could recall how the Committee Members voted.

Member Bailly remarked that there is a security issue with growing cannabis. She noted that there is much to be investigated.

Member Bailly made a motion to accept the ordinance as presented by the Township Committee and address the issues as they arise. Member Macomber seconded the motion.

Roll Call Vote

Aye: Vocke, Bailly, Coffey, Katz, Macomber, Drew, Westlake

Nay: None

Absent: Waltman, Gray, Bond, Wright

Members stated that it is appropriate to opt-out at this point due to the unknown parameters. Members also felt this recommendation is appropriate because the Township can opt back in.

Member Drew noted that the one issue the Township Committee opted in on concerns delivery. He noted that it is very difficult to enforce delivery.

COMMITTEE REPORTS

Scheduled Committee Meetings

Subdivision and Site Plan Review Committee - second Wednesday, 7:00 p.m., as needed per applications submitted. *Member Bailly to report.* Members: **Bailly**, Katz, Westlake; with Easement Monitoring Committee of the Environmental Commission

No applications

Agricultural Advisory Committee – first Tuesday, 7:00 p.m.; *Member Coffey to report*

Members: Bond, Coffey, Bench

Member Coffey reported that the Committee met and discussed the Cannabis Ordinance, found under New Business. Member Coffey noted that the Ag Advisory Committee is concerned with the implications on the farming community.

Open Space Committee – third Wednesday, 7:30 p.m., except January 14 and February 11;

Member Coffey to report. Members: Westlake, alternate Coffey

Member Westlake stated that the Lee Lau property did not close. She noted that Ms. Lau seemed unaware of parts of the land that were deducted from the preservation price and was unwilling to sign off on the amount put forth at closing.

It was noted that since there is no Open Space Coordinator, inquiries for preservation will be forwarded to Bob Hornby, County Ag Board Director.

Member Coffey opined that there should be an Open Space Coordinator. Member Coffey noted that most preserved land in the Township is preserved through the farmland preservation program.

Member Coffey stated that the most current census data must be included in the Reexamination of the Master Plan.

Non-Scheduled Committee Meetings, please give me notice for proper newspaper notification, if needed

Master Plan Committee – *Member Westlake to report*; members: Coffey, Westlake

Chair Westlake stated that she has been unable to schedule meetings for the Reexamination of the Master Plan.

Ordinance Review - *Member Coffey to report*; members: Coffey, Katz, Westlake

No meeting

Quarry Compliance Committee – Member Bond (Board Representative)

Member Katz stated that the QCC may be meeting next Monday, June 7, 2021. Member Katz stated that the QCC is working with Trap Rock on the Standard Operating Procedures Manual for the Quarry. Member Katz noted that the last SOP was written in 2009 and is supposed to be revisited every ten years. She further noted that the SOP has to be aligned with the current ordinance and the Quarry application and checklist.

Stormwater Management Committee – Member Gray - Not present

LIAISON REPORTS

Board of Adjustment – second Thursdays, 7:30 p.m., *Liaison Cline*

Liaison Cline reported that the Board of Adjustment recently approved a use variance application for conversion of a garage to a residential unit for an elder family member, following the guidelines for the ECHO Unit Ordinance, §230-40.

Liaison Cline also reported that the Board currently has an application for a use variance request for a tennis training facility.

Environmental Commission – third Wednesdays, 7:30 p.m., *Liaison Katz*

Liaison Katz reported that the Environmental Commission met. She noted that the EC will assist with the Reexamination of the Master Plan for the Conservation Element and the Climate Change Element.

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Vocke*

Nothing new to report

Shade Tree Commission – fourth Thursdays, 7:00 p.m., *Liaison Coffey*

Liaison Coffey reported that the Shade Tree Commission met at Dilts Park. It was noted that the spotted lanternfly is emerging for the season.

Shade Tree Commission Member Lockwood noted to the Shade Tree Commission that there have been resident concerns about pink-ribbed trees that have not been removed. It was decided that one response that can be consistent is to have residents contact the electric company.

Meeting opened to the Public for Comments or Questions

There were no comments or questions from the public.

Meeting opened to the Board for Comments or Questions

Administrative Officer Klink suggested that the July 6 meeting be used as a work session to start on the Reexamination of the Master Plan.

Per the request of a resident attending via zoom, Jes Stahl, it was decided to maintain the hybrid meeting set-up for the length of the zoom contract.

Liaison Cline suggested that information about the Cannabis ordinance be placed in the Master Plan, to align the Master Plan with any ordinances to be developed.

NEXT MEETING: September 7, 2021, 7:30 p.m.

ADJOURNMENT: 8:22 p.m.

It was moved, seconded, and unanimously carried to adjourn at the noted time.

Respectfully submitted,

Kathleen E. Klink, Administrative Officer