

**MINUTES
OF THE
CRANBURY TOWNSHIP
PLANNING BOARD
CRANBURY, NEW JERSEY
MIDDLESEX COUNTY**

TIME AND PLACE OF MEETING

The Meeting of the Cranbury Township Planning Board was held on December 7, 2023 at 7:00 pm at Town Hall, 23A North Main Street, Meeting Room.

CALL TO ORDER

Wayne Wittman, Chairperson, called the meeting to order at 7:00 pm and presided over the meeting.

STATEMENT OF ADEQUATE NOTICE

Under the Sunshine Law adequate notice in accordance with the open public meetings act was provided on January 11, 2023 of this meeting's date, time, place and the agenda was mailed to the Cranbury Press and Trenton Times, posted on the Township Bulletin Board, mailed to those requesting personal notice and filed with the municipal clerk.

MEMBERS IN ATTENDANCE

- ☒ Anderson, Deanna
- ☒ El-Badawi, Eman
- ☒ Ferrante, Michael
- ☐ Gittings, Bill
- ☒ Jones, Dominique
- ☒ Mildenberg, Jason
- ☒ Spann, Evelyn, Vice-Chairperson
- ☒ Stewart, Jason
- ☒ Wittman, Wayne, Chairperson

PROFESSIONALS IN ATTENDANCE

- ☐ Andrew Feranda, Traffic Engineer
- ☐ David Hoder, Board Engineer
- ☒ Elizabeth Leheny, Board Planner
- ☒ Sharon Dragan, Esquire, Board Attorney
- ☒ Robin Tillou, Planning Board Administrative Officer

MINUTES

November 2, 2023

Upon a motion from Mr. Ferrante and Ms. Anderson offering a second, the November 2, 2023 minutes were unanimously approved with amendment by those eligible to vote.

RESOLUTION

**PB346-21 J-Star Research (Cedar Brook Corp)
Block 1.01, Lot 1, RO/LI Zone
2 Clark Drive
Modification to Resolution – Permeable Pavers**

MOTIONED TO MEMORIALIZE RESOLUTION: Mr. Wittman

SECONDED: Ms. Jones

ROLL CALL:

AYES: Ms. Jones

NAYS: None

ABSTAIN: None

MOTION PASSED

CONSISTENCY REVIEW

CRANBURY TOWNSHIP ORDINANCE NO. 11-23-12

An ordinance of the Township of Cranbury repealing Article III, Section 50-9 and 50-10 “Recreational Cannabis” of the code of the Township of Cranbury and replacing it with a new Article III Section 50 “Medical and Recreational Cannabis Activity” of the Township of Cranbury code and amending § 150-5 of the code of the Township of Cranbury

Mayor Ferrante explained the ordinance the Township Committee (TC) introduced at their November 27, 2023 TC meeting. Mayor Ferrante stated it is stated throughout the ordinance on the ban of retail recreational cannabis. This will allow for preexisting cannabis manufacturers located within Cranbury Township to cultivate for the cannabis market. This will be a revenue source for Cranbury Township by setting licensing fees and indicating State permitted revenue sharing percentages from sales and transfers for cannabis activity. The only companies eligible for this ordinance are the preexisting alternative treatment centers already existing in Cranbury Township. There are two facilities for preexisting cannabis manufacturer in Cranbury Township. One facility is a typical warehouse building that is enclosed with a roof. The second facility has greenhouse roofs and is completely air contained.

Ms. Dragan confirmed that the one (1) facility within Cranbury Township borders that grows and processes the medical cannabis has a carveout for their facility and they are operating as an alternate treatment center. When you have an alternate treatment center permit, it can convert into a license for recreational cannabis center.

Ms. Leheny explained the Master Plan in 2010 and Master Plan reexamination in 2019 does not make any mention of cannabis. However, the location of this facility is in the I-LI (Industrial-Light Impact) Zone, and the Master Plan does state the areas east of Route 130/NJ Turnpike is where you are able to develop the economic development. This did not have to get a use variance because it fell under light industry. Another objective of the Master Plan is to preserve as much farmland as possible and contiguous farmland as possible. This is a carveout of a much larger preserved farm. The SADC has acknowledged that the growing of cannabis is agriculture. Although if you grow cannabis on a preserved farm, you do not have the right-to-farm protection. It is a double negative for the Master Plan consistency as not inconsistent. You will find that this facility and this ordinance allowing there to be recreational cannabis growing which is a type of agriculture according to the state then that is not inconsistent with some of the provisions in the Master Plan.

Ms. Dragan stated if the ordinance is substantially consistent with the Master Plan, then it is ok.

Mr. Wittman asked if the property was not preserved farmland would the ordinance be consistent with the Master Plan.

Ms. Leheny replied the zoning officer at the time did approve the use.

Ms. Jones asked if this could set a precedence on buildings or structures being built on farmland by finding this consistent with the Master Plan.

Mayor Ferrante advised that the facility is already being built to produce medicinal cannabis.

Ms. Leheny advised that the State already approved the greenhouses, and this ordinance has nothing to do with buildings.

Ms. Spann stated there are mentions in the Master Plan scenic corridor overlay that did come into play after this came into play. There will be a structure where the open vista was. Could the Planning Board find this not consistent with the Master Plan due to the reexamination of 2019.

Ms. Dragan explained the TC can still adopt the ordinance with the Planning Board advising they find the ordinance not consistent with the Master Plan with the majority vote of the TC.

Mr. Stewart stated the ordinance does not ask to weigh in if that facility is consistent or not consistent with the Master Plan.

Ms. Spann stated the cannabis requires a structure that will affect the scenic corridor overlook.

Mr. Mildenberg asked if there was a prohibition on this manufacturer having a third site.

Mayor Ferrante stated they cannot build a third facility.

Ms. Anderson asked if they could expand on the preexisting facilities.

Mr. Ferrante replied that the manufacturer is at the maximum ratio for what they can develop.

Ms. Leheny stated she is not sure if they can expand. There are exception areas when you build on a farm, and most of the greenhouses are in the exception areas.

Ms. Dragan advised that the Planning Board could find this ordinance consistent but can advise that the Board members support limits on preserved farms and limit impervious coverage of these buildings.

Ms. Anderson asked when someone wants to start farming on preserved land if they would like to build barns and structures do they go to the Zoning Board.

Ms. Dragan advised if it is for agricultural purposes, they only have to go to the building department for permits.

Ms. Spann confirmed this business will be given four (4) licensing for four (4) classes. Will each class have the benefit of being renewed each year?

Mayor Ferrante stated there are six (6) classes for cannabis were modeled off the alcohol license guidelines. The six (6) classes are the same as alcohol. The four (4) licenses allows for them to grow it and ship it out the back of the building. The fifth and sixth class are banned for retail.

The Board agreed to find ordinance no. 11-23-12 not inconsistent with the Master Plan with no additional comments.

MOTIONED TO FIND ORDINANCE NO. 11-23-12 NOT INCONSISTENT WITH THE
MASTER PLAN: Mr. Stewart

SECONDED: Mr. Ferrante

ROLL CALL:

AYES: Ms. Anderson, Ms. El-Badawi, Mr. Ferrante, Ms. Jones, Mr. Mildenberg,
Ms. Spann, Mr. Stewart and Mr. Wittman

NAYS: None

ABSTAIN: None

DISCUSSION

Chair Wittman announced he will not be going out to be nominated for Chair for 2024, but he appreciates his time as being a Chair through the remainder of 2023 when Mr. Kaiser resigned.

PUBLIC COMMENTS

Chair Wittman opened the meeting to the public for any comments.

With no other public present Chair Wittman closed the public forum.

ADJOURNMENT OF MEETING

There being no further business, Mr. Ferrante made a motion to adjourn the meeting with Ms. Anderson, offering a second. By unanimous vote, the meeting was thereupon adjourned at 8:30 pm.

CERTIFICATE OF SECRETARY

I, the undersigned, do at this moment certify;

That I am duly elected and secretary of the Cranbury Township Planning Board and that the minutes of the Planning Board, held on December 7, 2023, consisting of five (5) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name to said Planning Board this January 11, 2024.

Robin Tillou

Robin Tillou, Administrative Officer

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