

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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JENNIFER C. BEAHM, P.P., AICP

February 16, 2022

Neptune Township Planning Board
PO Box 1125
25 Neptune Boulevard
Neptune, NJ 07753

Re: Ordinance 22-09
Section 26 Consistency Determination

Dear Board Members:

Pursuant to NJAC 40:55D-26, Neptune Township Ordinance 2022-09, An Ordinance To Further Amend and Supplement the Land Development Ordinance of the Township of Neptune by Defining and Regulating Cannabis Class Uses, in the Township of Neptune, County of Monmouth, New Jersey, is consistent with the Township of Neptune Master Plan.

Among the key goals within the Comprehensive Master Plan, dated January 2012, recommends that the Township "Promote an expanded and diversified economic base to the maximum extent practicable," as such, the above-referenced ordinance is consistent with the Township's Master Plan.

Should you have any questions or require any clarification regarding this matter, please do not hesitate to contact this office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, PP, AICP
Planning Board Planner

JCB

cc: Mark G. Kitrick, Esq., Board Attorney
Peter Avakian, P.E., Board Engineer

**TOWNSHIP OF NEPTUNE
ORDINANCE NO. 22-09**

**AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE LAND
DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY DEFINING AND
REGULATING CANNABIS CLASS USES**

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance be and is hereby amended as follows:

SECTION 1.

Section 415.21 – CANNABIS CLASS USES – is hereby added as follows:

Cannabis Class uses, (other than Alternative Treatment Centers) shall be permitted in the C-1 Zoning District provided the following supplementary regulations are met:

- A Hours of Operation. Cannabis Class uses are permitted the following hours of operation:
 - 1 Monday thru Saturday: 9 AM to 10 PM;
 - 2 Sunday: Closed

- B Location. The permitted location of such uses shall be in accordance with the current NJ State requirements in addition to the following:
 - 1 Located within the C-1 and LI Zoning Districts;
 - 2 Located a minimum 1,000 feet radius from a school or daycare.

- C Permitted Classes of Licenses (as defined by the State of NJ). The following classes or combination of are permitted:
 - 1 Class 1 – Cannabis Cultivator
 - 2 Class 2 – Cannabis Manufacturer
 - 3 Class 3 – Cannabis Wholesaler
 - 4 Class 4 – Cannabis Distributor
 - 5 Class 5 – Cannabis Retailer
 - 6 Class 6 – Cannabis Delivery Service

- D Quantity. The maximum permitted number of Class 5- Cannabis Retailer licenses in Neptune Township will be three (3). There is no limit on the number of licenses issued by the Township Committee for Class 1- Cannabis Cultivator, Class 2- Cannabis Manufacturer, Class 3- Cannabis Wholesaler, Class 4- Cannabis Distributor, Class 6- Cannabis Delivery Service.

- E Penalties. Refer to Land Development Ordinance section 1105.

- F Cannabis Consumption Areas. Cannabis Consumption Areas are prohibited.
- G Performance Standards For All Cannabis Class Uses. Performance standards of Land Development Ordinance section 402 shall also apply.
- 1 Pollen And Seed Control. The cannabis business licensee shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, including, but not limited to, use of pollen screens, ultraviolet light and methods to ensure that employees and other visitors do not leave the premises while carrying any cannabis pollen or seeds
 - 2 Odor. A cannabis business licensee shall prevent all odors generated from the cultivation and storage of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings. All cannabis facilities shall have an air treatment system to mitigate cannabis-related odor. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters or similar, and ventilation and exhaust systems to eliminate cannabis odors coming from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the subject property line,
 - 3 Lighting.
 - (i) Interior building lighting will likely extend beyond sunset and light trespass at night should be prevented through the use of blackout shades with side tracking or other comparable technologies, activated dusk to dawn.
 - (ii) Exterior building lighting shall comply with Township Ordinances.
- H Cannabis Cultivator & Cannabis Manufacturer Class Uses
- 1 Water Use. In addition to the meeting all other Township requirements, the Applicant shall provide a water conservation plan, which describes all water sources and their reuse, with zero waste.

SECTION 2.

Section 404.04 – C-1 – Planned Commercial Development, is hereby amended to add the Cannabis Class Use(s) as a Conditional Use.

SECTION 3.

Section 404.11 – LI – Light Industrial, is hereby amended to add the Cannabis Class Use(s) as a Conditional Us.

SECTION 4.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 5.

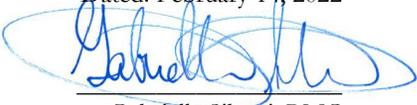
All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 6.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7.

This Ordinance shall take effect upon its passage and publication according to law.

Motion/ Second	Roll Call To Adopt On First Reading					Adopted on First Reading Dated: February 14, 2022
		YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley				X	 _____ Gabriella Siboni, RMC Township Clerk
Motion	Keith Cafferty	X				
Second	Robert Lane, Jr.	X				
	Tassie D. York				X	
	Nicholas Williams	X				

Motion/ Second	Roll Call To Adopt On Second and Final Reading					Adopted on Second Reading Dated: February 28, 2022
		YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley					_____ Gabriella Siboni, RMC Township Clerk
	Keith Cafferty					
	Robert Lane, Jr.					
	Tassie D. York					
	Nicholas Williams					

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor