

**MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD
MARCH 11, 2021 VIA GO TO MEETING**

Open public meeting statement: The meeting was called to Order by the Board Chairman, Glenn Barbagallo, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public Meetings Act. Those present were: Richard Innella, Jody Case Kennedy, James Ledonne, Katherine Snyder, Joseph Cooper, Nina Fradl, Glenn Barbagallo, William Haggerty, the board attorney, and Thomas Knutelsky, the board engineer.

Those absent were: Fred Merusi, Glen Plotsky (excused), and John Soracco.

FLAG SALUTE

MINUTES:

The December 10, 2020 Land Use Board Regular Meeting Minutes were reviewed. A Motion was made by Ms. Kennedy and seconded by Ms. Fradl to approve the December 10, 2020 Land Use Board Regular Meeting Minutes. All were in favor, except Mr. Ledonne, who abstained. The Motion was carried.

The January 14, 2021 Land Use Board Re-Organization and Regular Meeting Minutes were reviewed. A Motion was made by Ms. Fradl and seconded by Ms. Kennedy to approve the January 14, 2021 Land Use Board Re-Organization and Regular Meeting Minutes. All were in favor, except Mr. Innella, who abstained. The Motion was carried.

The February 11, 2021 Land Use Board Regular Meeting Minutes were reviewed. A Motion was made by Ms. Kennedy and seconded by Mr. Innella to approve the February 11, 2021 Land Use Board Regular Meeting Minutes. All were in favor, except Ms. Fradl, who abstained. The Motion was carried.

CARRIED APPLICATIONS:

Ponky, LLC – LUB 20-05 – Block 18.55, Lot 65 – 342 Lake Shore South – “D” Variance

Mr. Haggerty indicated that the applicant first applied for a Certification of Pre-existing non-confirming use, which would require a majority of the Class IV Members. It was discussed that there were only 5 voting members of the board available to vote. If that application is not successful, he will need a Use Variance, which needs a 5 yes votes out of 7 members. The applicant’s attorney has been hoping for a full complement of 7 members for the past several meetings. Mr. Haggerty spoke to Mr. Ritte who requested that this application be carried without further notice to the April 8, 2021 Land Use Board meeting until such time he can have a full voting board of 7 people.

A Motion was made by Ms. Snyder and seconded by Ms. Fradl to carry this matter to the April 8, 2021 Land Use Board meeting without further notice. If the meeting is virtual, the notice will be posted on the township website and the door of the Municipal Building. Roll Call: Mr. Ledonne, yes; Mrs. Snyder, yes; Mr. Cooper, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

NEW BUSINESS:

Ordinances Concerning Regulation of Cannabis:

Mr. Haggerty gave a sample Ordinance from Hoptacong to the board. He indicated that the time to act on this Ordinance by the Township Committee is sometime in August. The Municipalities are authorized to regulate sale and distribution of cannabis products within the municipality. The Hoptacong Ordinance took a blanket prohibition. He indicated that the Township Committee will probably be working on this Ordinance. He wanted the Land Use Board to take a look at this Ordinance because the board can take a position on how this should be treated in the municipality. You can be permissive and allow or you can be restrictive in components in terms of sales and processing.

NEW BUSINESS CONT.:

Ordinances Concerning Regulation of Cannabis cont.:

Mr. Innella indicated that they have been talking about it at the Township Committee level. He indicated that the Township Attorney noted that if they do nothing, everything will be allowed and this cannot be changed for the next 5 years.

Ms. Fradl questioned if anyone knows the ramifications of this in other states that allow it. Mr. Innella indicated that if they allow retail the township can impose a 2% sales tax and if it is wholesale, there is a 1% sales tax that the township can impose.

A lengthy discussion was held with regard to the retail sales. The board does not want this area to be a destination place for retail. Several board members indicated that wholesale sales would be acceptable.

Master Plan Update:

It was noted by Mr. Haggerty that the Master Plan must be reviewed every 10 years. It has been 10 years since the township's last review of the Master Plan and it must be done this year. The board secretary noted that she obtained a quote from Mr. Pellow's office to prepare the update and that money has been placed in the 2021 budget which will be introduced this month.

A Motion was made by Mr. Innella and seconded by Ms. Snyder to have Mr. Pellow start reviewing the update to the Master Plan. Roll Call: Mr. Innella, yes; Ms. Kennedy, yes; Mr. Ledonne, yes; Mrs. Snyder, yes; Mr. Cooper, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

VOUCHERS

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Ms. Kennedy to approve the vouchers on the bills list attached hereto and made a part hereof. Roll Call: Mr. Innella, yes; Ms. Kennedy, yes; Mr. Ledonne, yes; Mrs. Snyder, yes; Mr. Cooper, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

CORRESPONDENCE

The correspondence was reviewed. No formal action was taken.

PUBLIC PARTICIPATION:

The meeting was opened to the public.

Appearing before the board was Mr. Zylinski questioning if he had to be at the next meeting for the Ponky LLC meeting or is his letter sufficient. Mr. Haggerty indicated that the applicant's attorney has the right to cross exam him and he cannot cross exam a letter. He further stated that if he wants the contents of his letter distributed at the meeting, he must be there in person in order to be available for cross examination.

There being no further public participation, this meeting was closed to the public.

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AJOURN

Having no further business, a Motion was made by Ms. Fradl and seconded by Ms. Kennedy to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ
Land Use Administrator