

Memorandum

TO: BOROUGH OF LEONIA PLANNING BOARD

FROM: SAN CHAVAN P.P., AICP

DATE: DECEMBER 12, 2022

RE: MASTER PLAN CONSISTENCY REVIEW OF ORDINANCE NO. 2022-18

Ordinance 2022-18 amends Chapter 100 Cannabis to permit certain classes of cannabis to operate within the Borough of Leonia pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16). This memorandum examines whether this ordinance is consistent with the Borough’s Master Plan as required by the M.L.U.L., pursuant to N.J.S.A. 40:55-26.a.

Background

Governor Murphy on February 22, 2021, signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, which legalized the recreational use of marijuana by adults and established a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession. The state law created an opt-in or opt-out timeline whereby municipalities in the state had 180 days to take action to regulate cannabis operations based on the new statutes. Failure to act would prevent municipalities from banning the operation of one or more of the classes of cannabis establishments for five years. The Borough Council adopted Ordinance 2021-06 to opt-out. The Borough Council has examined the option granted by the statute to opt-in and permit certain classes of cannabis establishments to operate in certain areas of the Borough. Proposed Ordinance 2022-18 permits as a conditional use in the LI District Class 1 adult-use cultivation license, Class 2 adult-use manufacturing license, Class 3 adult-use wholesaler license, and Class 4 adult-use distributor license while limiting the total number of cannabis licenses to operate within the Borough to four. The proposed ordinance also establishes certain license fees and taxes for cannabis establishments in accordance with state legislation.

Master Plan Consistency for Ordinance 2022-18

The proposed ordinance is consistent with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. This ordinance supports the following Goals of the 2022 Master Plan:

Economic Development Element Goals:

- #1 Maintain attractive and thriving business and commercial districts.
- #4 Create a diverse and unique economic development environment.

Additionally, the proposed ordinance supports the following recommendations:

- Land Use Plan Element recommendation #25: Monitor commercial cannabis activity in other municipalities and study the potential for allowing certain classes of establishments in the Borough.
- Economic Development Element recommendation #4: Improve the economic viability of the Willow Tree Road area.

In conclusion, the proposed ordinance is consistent with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and the Borough's 2022 Master Plan.