



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 04/17/23 07:00 PM

2023 RESOLUTION APPROVAL

223
192

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, REFERRING TO THE TOWNSHIP PLANNING BOARD, PURSUANT TO N.J.S.A. 40:55D-26, A PROPOSED AMENDMENT TO CHAPTER 315, "LAND DEVELOPMENT", SECTION 39(B), SUBSECTION (9)(a), "CANNABIS ESTABLISHMENTS, CANNABIS DISTRIBUTORS AND CANNABIS DELIVERY SERVICES" WITHIN THE TOWNSHIP CODE, REGULATING THE NUMBER OF CANNABIS RETAILERS PERMITTED WITHIN THE DEFINED SECTORS OF THE TOWNSHIP OF BLOOMFIELD.

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, on August 16, 2021, the Township Council of the Township of Bloomfield adopted an Ordinance allowing and regulating one or more classes of cannabis business within Bloomfield, finding it to be in the best interest of the health, safety and welfare of Township of Bloomfield's residents and members of the public who visit, travel, or conduct business in Township of Bloomfield, and amending the Township of Bloomfield's zoning regulations to permit those cannabis-related activities, including land use and development, within certain geographic boundaries within Bloomfield; and

WHEREAS, on April 11, 2022, the Mayor and Council adopted an Ordinance increasing the total number of Cannabis Retail Establishments permitted within the Township; and

WHEREAS, the Mayor and Council have introduced an Ordinance amending Chapter 315 of the Township Code to regulate the number of Cannabis Retailers, with no more than four permitted in the Northern Sector of the Township (including the portion of the B-2 Zone north of the Bay Avenue centerline); no more than four permitted in the Central Sector (including the

portion of the B-2 Zone south of the Bay Avenue centerline); and no more than four permitted in the Southern Sector, irrespective of which of the two zones they may be located in; and eliminating the requirement the at least four of the eight Cannabis Retailers permitted in the Township shall be a microbusiness; and

WHEREAS, one purpose of the following amendments to the regulatory scheme governing Cannabis Retail Establishments in the Township is to clarify ambiguities that have been identified during applications seeking approval of Cannabis Retail Establishments in both the two zoning districts and under the Phase II Plan; and

WHEREAS, this amending ordinance will also eliminate the requirement that half of the eight Cannabis Retail Establishments permitted in the Township be classified as ‘microbusinesses’ due to the lack of applications to the Township seeking licensure as a microbusiness.

WHEREAS, the proposed ordinance amendment does not increase the total number of eight Cannabis Retailers permitted throughout the Township; and

WHEREAS, the Municipal Land Use Law (“MLUL”) requires in N.J.S.A. 40:55D-26 that all ordinances constituting a development regulation must be referred to the Planning Board for review to determine whether there are any inconsistencies between the proposed ordinance and the Township Master Plan and for any other recommendations the Planning Board may have with respect to the proposed ordinance; and

WHEREAS, concurrently with this resolution, the Mayor and Council have introduced on first reading an Ordinance amending Chapter 315, Section 39(B), Subsection 9(a) of the Code of the Township of Bloomfield for the purpose of regulating the number of Cannabis Retailers, permitting no more than four permitted in the Northern Sector of the Township (including the portion of the B-2 Zone north of the Bay Avenue centerline); no more than four permitted in the Central Sector (including the portion of the B-2 Zone south of the Bay Avenue centerline); and

no more than four permitted in the Southern Sector, irrespective of which of the two zones they may be located in; and eliminating the requirement the at least four of the eight Cannabis Retailers permitted in the Township shall be a microbusiness; and

WHEREAS, by this resolution, the Mayor and Council hereby refer to the Planning Board the aforementioned Ordinance for its review pursuant to N.J.S.A. 40:55D-26.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Bloomfield, Essex County, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor and Council of the Township of Bloomfield hereby direct the Township of Bloomfield Planning Board to review, pursuant to N.J.S.A. 40:55D-26, the proposed Ordinance amending Chapter 315, Section 39(B), Subsection 9(a) of the Code of the Township of Bloomfield to regulate the number of Cannabis Retailers, permitting no more than four permitted in the Northern Sector of the Township (including the portion of the B-2 Zone north of the Bay Avenue centerline); no more than four permitted in the Central Sector (including the portion of the B-2 Zone south of the Bay Avenue centerline); and no more than four permitted in the Southern Sector, irrespective of which of the two zones they may be located in; and eliminating the requirement the at least four of the eight Cannabis Retailers permitted in the Township shall be a microbusiness.

Section 2. The Mayor and Council of the Township of Bloomfield hereby further direct the Township of Bloomfield Planning Board to review, pursuant to N.J.S.A. 40:55D-26, the proposed Ordinance amending Chapter 315, Section 39(B), Subsection (9)(e)[4] to clarify that no cannabis retailer shall be located within 200 feet of a public or private elementary or secondary

school, and Bloomfield Board of Education Home athletic venues. Distance shall be measured from the closest points of the two properties.

Section 3. The Township Clerk is hereby directed to forward a copy of proposed the Ordinance to the Planning Board for its review.

Section 4. This Resolution shall take effect immediately.

......*

Approved as to form and procedure on basis of facts set forth.

[Handwritten Signature]

Director of Law-Township Attorney

I do hereby certify that the funding will be legally appropriated per the above information for the purpose specified in the attached contract. Furthermore, it has been represented to me that the contracts have been processed in accordance with the applicable provisions of New Jersey Local Public Contract Law and the Code of the Township of Bloomfield.

[Handwritten Signature]
Chief Financial Officer

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 17, 2023.

[Handwritten Signature]
Municipal Clerk of the Township of Bloomfield

[Handwritten Signature]
Mayor of the Township of Bloomfield

✓ Vote Record – Resolution		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt					
<input type="checkbox"/> Deny					
<input type="checkbox"/> Withdrawn					
<input type="checkbox"/> Table	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> First Reading	Sarah Cruz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> Veto by Mayor	Richard Rockwell		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated	Michael J. Venezia		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion No Vote						