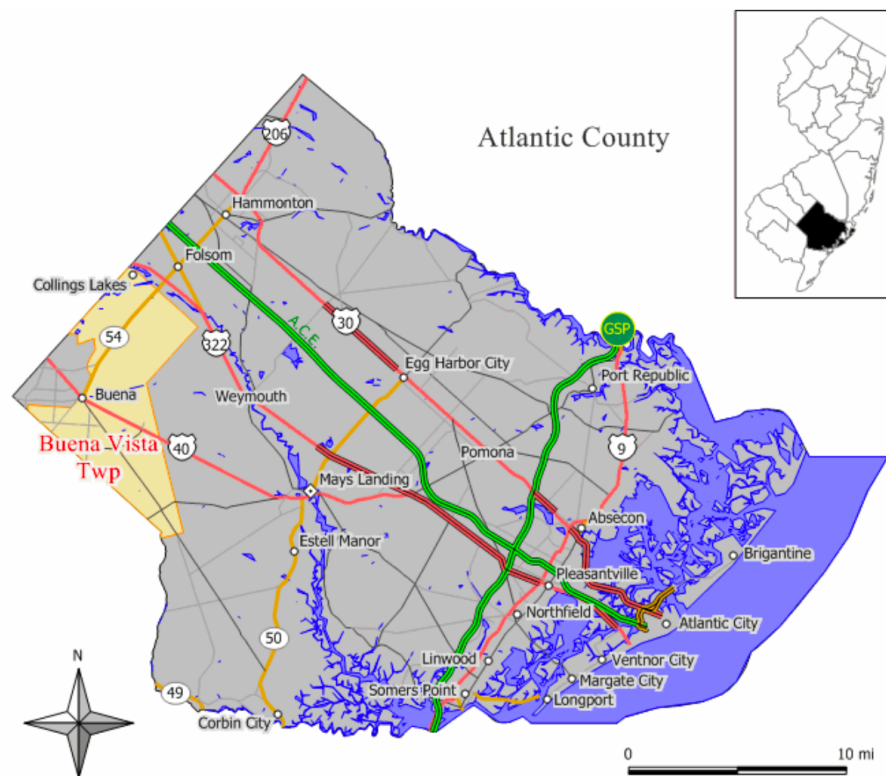


2023 Master Plan Reexamination Report Amendment of the 2022 Master Plan Reexamination Report Township of Buena Vista Atlantic County, New Jersey

Adopted after a public hearing by Resolution # 02-2023 by the
Township of Buena Vista Joint Land Use Board on October 19, 2023

Certified by the Pinelands Commission on November 22, 2023



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Township of Buena Vista
Atlantic County, New Jersey**

MAYOR

William Ruggieri

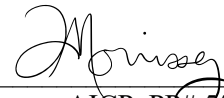
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INTRODUCTION

The Township of Buena Vista adopted their last Master Plan Reexamination Report in 2022. A Master Plan is not a static document and should be reviewed on a periodic basis in order to address changes that inevitably occur as a municipality grows. Recognizing this, the Municipal Land Use Law (N.J.S.A. 40:55D-89) requires a re-examination of the master plan to be completed every ten years. A municipality may opt to reexamine their master plan more often than once every ten years if conditions warrant.

Recommendations relating to cannabis business uses which were included in the 2022 Master Plan Reexamination Report and implemented by the Township are no longer the Policy of the Township. To address these policies, the Township Land Use Board is amending the 2022 Master Plan Reexamination Report to repeal the recommendations permitting cannabis business uses in the Township.

A reexamination report must state the major land development problems and objectives present when the last report or plan was prepared and the status of these conditions today. The report must also make any recommendations for changes to the master plan or development regulations that would further achieve the original goals or address any significant changes that have occurred since the last report was adopted. This report is separated into six sections addressing each element required by the Municipal Land Use Law.

**PART I:
MAJOR PROBLEMS AND OBJECTIVES**

40:55D-89.a.

The major problems and objectives relating to land development in the municipality at the time of the adoption of the 2022 Master Plan Reexamination Report.

The 2022 Reexamination report addressed, in part, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (CREAMM) Act”¹ adopted in February of 2021 by the State of New Jersey. The CREAMM Act provides the framework for recreational use of cannabis and establishes the Cannabis Regulatory Commission. The CREAMM Act further provided that municipalities had until August 21, 2021, to either prohibit cannabis activities or permit cannabis facilities and amend any ordinances to that effect. Alternatively, if a municipality takes no action by August 21, 2021, all cannabis activities will be permitted in accordance with the CREAMM Act regulations for a period of five (5) years.

The Township of Buena Vista initially opted to prohibit all classes of cannabis activities through Ordinance 97-2021 adopted in April of 2021. The Township wanted to wait for the adoption of State rules regulating cannabis businesses to evaluate the land use implications that may be associated with cannabis business uses. The “Personal-Use Cannabis Rules”² were adopted by the State on August 19, 2021, last updated/amended effective March 6, 2023. In October of 2022 the Township adopted a Master Plan Reexamination Report which included recommendations relating to cannabis businesses. The Township subsequently adopted implementing ordinances permitting Cannabis businesses in select non-residential zoning districts as a conditional use.

¹ N.J.S.A. 26:6I

² N.J.A.C. 17:30

**PART II:
EXTENT PROBLEMS AND OBJECTIVES HAVE CHANGED**

40:55D-89.b.

The extent to which such problems and objectives have been reduced or have increased subsequent to the adoption of last Master Plan Report.

The 2022 Reexamination Report recommended the inclusion of cannabis businesses in certain zoning districts through zoning regulations AND through a local licensing program to ensure there is adequate oversight for any new business. The reexamination report recommended the creation of local ordinances establishing conditional use standards for the different classes of cannabis establishments. The conditions in the ordinances were recommended to create standards such that no on-site consumption of cannabis or cannabis related products would be permitted in any zoning district.

The report provided that all operations shall occur indoors and the hours of operation be limited. All facilities shall provide a detailed odor mitigation plan that would also be governed and monitored through an annual licensing process. A sample ordinance was included in the Appendix of the 2022 Reexamination report which also included suggestions for a licensing ordinance. These ordinances were adopted by the Township through Ordinance 123-2022 on December 27, 2022.

The State of New Jersey provides in the Personal Use Cannabis Rules that a municipality may enact and amend ordinances or regulations relating to the cannabis business. Specifically, under N.J.A.C. 17:30-5.1(a) and (b) provided below (emphasis added):

- (a) A municipality may enact an ordinance or regulation that is not in conflict with the Act or this chapter, ***and may amend such ordinance or regulation:***
1. That establishes a numerical limit on the number of cannabis businesses, provided that any such ordinance or regulations shall specify the maximum number of each class of license that is allowed within the municipality and for which the municipality has established a numerical limit;
 2. That governs the location, manner, and times of operation of cannabis businesses, except for the times of operation of a cannabis delivery service or distributor, including an ordinance or regulation that requires a cannabis business premises to be a certain distance from the closet church, synagogue, temple, or other place used exclusively for religious worship; or from the closest school, playground, park, or child daycare facility;

3. That establishes civil penalties for a violation of such ordinance or regulation; or
 4. That imposes a separate local licensing requirement.
- (b) A municipality may enact **and amend an ordinance or regulation** to prohibit the operation of any one or more classes of cannabis business within the jurisdiction of the municipality pursuant to N.J.S.A. 24:6I-45.b, and such prohibit ordinance shall apply throughout the municipality.

PART III: CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

40:55D-89.c.

The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives:

The State did not adopt rules regulating cannabis businesses until August 19, 2021. This left no window in which a municipality could review the rules and how they would impact land use and zoning before deciding to take action under the CREAMM Act by August 21, 2021. Therefore, the Township of Buena Vista decided to adopt ordinances prohibiting all types of cannabis activities in August of 2021 pending adoption of the State Rules on Personal Use Cannabis. This action was temporary so that the Township could evaluate where/if cannabis businesses were appropriate for the different zoning districts.

The 2022 Reexamination Report recommended the inclusion of cannabis businesses in certain zoning districts through zoning regulations AND through a local licensing program to ensure there is adequate oversight for any new business. The reexamination report recommended the creation of local ordinances establishing conditional use standards for the different classes of cannabis establishments.

The conditions in the ordinances were recommended to create standards such that no on-site consumption of cannabis or cannabis related products would be permitted in any zoning district.

After the adoption of the Township ordinances permitting cannabis businesses, concerns were raised by the Township resident's as to the impact of the potential new businesses. The Township Governing Body has considered the concerns of the residents and believes it is in the best interest of the Township to repeal the ordinances which permit cannabis businesses. The decision to permit any class of cannabis business can be amended as provided for under the Personal Use Cannabis regulations of the State of New Jersey.

It is further noted that surrounding communities have also adopted ordinances and approved various locations for cannabis businesses. The Township of Buena Vista shares boundaries with the City of Vineland, Hamilton Township, and Buena Borough, all of which have elected to permit cannabis businesses in their municipality. The proximate locations for cannabis businesses in the surrounding municipalities will provide an opportunity for access to the establishments by local residents.

PART IV: RECOMMENDED CHANGES

40:55D-89.d.

The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

Based upon the changed policies of the Township relating to cannabis businesses, the Master Plan Reexamination Report is being amended to remove the recommendations as provided for in the 2022 Reexamination Report under Part IV, Cannabis. The Township has evaluated the New Jersey Cannabis regulations as they relate to the various classes of businesses. The Township can regulate the number of establishments in the municipality. They may also regulate the location, times of operation, and lot/design standards. The municipality may also adopt a licensing ordinance separate from the land use regulations. The Township may also elect to prohibit any class of cannabis business in its land use ordinances.

The “CREAMM Act” created six distinct classes of licenses which a municipality can permit or prohibit, except that a municipality cannot preclude a delivery service from delivering to places in the municipality. The classes are defined as follows:

Class 1: Cannabis cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2: Cannabis manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3: Cannabis wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4: Cannabis distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5: Cannabis retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6: Cannabis delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

The decision to permit or prohibit cannabis businesses is one that is to be decided by the Governing Body. Cannabis is not a land use category, however each class of cannabis business can be classified as a land use category. For instance, retail, cultivator, manufacturer, wholesale and distributor are all types of land use categories whether the use is related to cannabis or some other product. (A manufacturer can manufacture cannabis but that same term can also relate to the manufacturing of widgets.)

The ordinances which were adopted by the Township in 2022 to permit cannabis businesses as conditional uses in select non-residential zoning districts did not change the general categories of retail, warehouse, industrial or agricultural uses in any zoning district. The ordinances adopted did provide standards as to hours of operation, parking, signage, odor mitigation, and other similar design standards.

Given the changed policies and the availability of cannabis establishments in surrounding municipalities, it is recommended that the land use ordinance be amended to state under Section 115-75 “Permitted, Conditional and Prohibited Uses” that all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P. L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service, are hereby prohibited within Buena Vista Township.

**PART V:
REDEVELOPMENT PLANS**

40:55D-89.e.

The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

There are no amendments relative to any existing or proposed Redevelopment Areas in the Township.

PART VI:
PUBLIC ELECTRIC VEHICLE INFRASTRUCTURE

40:55D-89.f.

The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

There are no amendments to the provisions relating to public electric vehicle infrastructure. The items addressed on the 2022 Reexamination Report remain valid and appropriate.