

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, June 3, 2024 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

I. CALL TO ORDER BY THE CHAIR:

The meeting was called to order at 6:05 P.M. by the Chair.

II. ROLL CALL BY THE CLERK:

Present: Councilwoman Kristen E. Haroian
Councilman John P. Donegan
Councilman Daniel Wall
Council Vice-President Lammis J. Vargas, Vice-Chair
Councilman Robert J. Ferri, Chair
Council President Jessica M. Marino

Absent: Councilman Richard D. Campopiano
Councilman Christopher G. Paplauskas

Also Present: Councilwoman Nicole Renzulli
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel
David DiMaio, City Council Budget Analyst
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

III. APPROVAL OF MINUTES

A. Approval of the minutes of the May 6, 2024 Regular meeting.

On motion by Councilman Wall, seconded by Council President Marino, it was voted to approve the minutes of the May 6, 2024 regular meetings and they stand approved as recorded. Motion passed unanimously.

IV. PUBLIC COMMENT

Barry Brothers, 34 Delway Rd., appeared to speak and stated that neighbors are hearing a lot of rumors about a proposed dispensary on the corner of Delway and Reservoir Ave. There are a lot of questions and a lot of concerns, mainly being in a residential neighborhood and such a busy street. There are already a lot of problems pulling out of the street out onto Reservoir Ave. and concerns about additional traffic being added to that neighborhood. He believes if this license is granted, it is going to adversely affect their property value in that neighborhood. There is also a parking issue back there. Half of the parking lot is collapsing into the adjacent property, but there is really not that much parking back there unless drastic construction is made to the collapsing parking lot.

Kathleen Perrotta, 19 Delway Rd., appeared to speak and stated that the neighbors have been dealing with so much traffic going down that street with a retail store being there or some sort of a restaurant. There has been a sign there that states “Do Not Turn Right”, but everyone ignores it and continues to do it. Their street is a very narrow street. She spoke to Jason Pezzullo, Planning Director, and he stated that the street is really not that bad. This past weekend, there was an open house and someone moved in and there were people parked on both sides of the street. People could barely get through. This is a concern for safety vehicles getting down the street. She is mostly concerned about the fear of her value of her property going down. She asked if anyone has done any kind of planning to see how that will affect the residents. She knows there are people like them in Garden City and they are afraid and they do not want something like that in our area. They have proposed that this be put on Pontiac Ave. where there is Commercial. It needs to be in a Commercial area. The biggest concern of the neighbors is property value, will it bring in more crime? Will it cause higher traffic volume on their street and make it difficult for families with children that are playing in the area? Will it cause due harm in terms of the Pocasset River as an example? She understands there will be guards there, but they are guarding their asset, they are not guarding what is going on around the neighborhood. Will they be buying their stuff and sitting on the property in the parking lot and smoking it and staying there hanging around? Will it bring in more people from out of the area and make it difficult for the neighbors?

Sarah DeCataldo, 37 Delway Rd., appeared to speak and stated that she has a list of fifteen questions for the Council. She has many concerns about the approved dispensary at 1112 Reservoir Ave., two most pressing concerns are underestimation of impact it will have on traffic and pedestrian safety at one of the biggest sections of Reservoir Ave. and the lack of communication by the developers and our City Officials to the surrounding neighbors. She believes that the proposed plan is woefully unprepared for the influx of cars and foot traffic coming from a dispensary once opened. She urged the developer and City Officials to do their due diligence in ensuring the safety of residents, patrons and employees alike. At this point, she does not believe they have. The second and greatest concern is the lack of notification and communication to the neighbors. Had they been notified and communicated with, they could have alerted them about the uniqueness of Delway Rd., such as the flooding that frequently happens at the top of the street and it happened twice last week. The number of times that

delivery trucks, school buses and fire trucks have not been able to make it down the street when cars are parked on both sides. They could have helped develop a better plan and made recommendations. She read the fifteen questions for the record.

Peter DeSimone, 57 Delway Rd., appeared to speak and stated that parking and traffic are a big concern. He questioned a dispensary can't be within 1,000 feet of a school, why can it be 15 feet from a residential home with children? The first house it abuts is a daycare. The residents don't want it there. There is a location that should be looked into at Wellington and Elmwood. It abuts an Industrial.

Marie Esperanza, 351 Aqueduct Rd., appeared to speak and stated that everyone agrees about safety and traffic. She has a big concern because two of her children have health issues and she does not want strange people smoking in the streets around the neighborhood. She is also concerned about property taxes and strangers walking around. That is a residential neighborhood and there are children walking and they do not feel secure.

Louis Branca, 20 Delway Rd., appeared to speak and stated that they are all dismayed about what is going on and what was recently found out. He stated to the Council that if any of them lived in that neighborhood and their children played in that neighborhood and rode their bikes up and down that street, would you honestly want a dispensary in your neighborhood? If not, then why should it be in theirs?

Kathy Giardino, 42 Delway Rd., appeared to speak and reiterated what all her neighbors have stated and that is traffic on this road. People who walk in the area have to walk in the street because not everyone has sidewalks and cars speed. It is very dangerous. Something needs to be done to stop people from cutting through Delway Rd.

Debra Scott, 59 Delway Rd., appeared to speak and stated that traffic safety is an issue. Property devaluation is also a concern. This type of business is not conducive to a residential neighborhood.

V. PUBLIC HEARINGS

VI. SHOW CAUSE

VICTUALLING LICENSES- RENEWALS *(Cont from 2/5/24, 3/4/24, 4/1/24& 5/6/24)*

1. Rainbow Water located at 2160 Broad St.

5/13/24 paid taxes and filed 2024 renewal

No one appeared to speak.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to continue this license renewal application. Motion passed unanimously.

2. ***Sophie's Sweets LLC*** located at 1458 Park Ave. *(Cont from 2/5/24, 3/4/24, 4/1/24 & 5/6/24)*
**SERVED CEASE AND DESIST BY PD ON 2/22/24; FILED RENEWAL APP FOR 2024 BUT HAS NOT PICKED UP
2023 LICENSE DUE TO TANGIBLE TAXES OWED**

No one appeared to speak.

Solicitor stated that this matter has been continued since at least February. We have served the business several times with Cease and Desist notices. We have Show Caused them. Essentially what it comes down to is this business owner is essentially ignoring the mandates and this Committee as well as the requirements which are attendant to a business license. Unfortunately, our Ordinances do not have an enforcement mechanism per se and the Municipal Court really does not have jurisdiction under this type of issue. He has seeked authority from Solicitor Millea to take the next step, which would be a Superior Court action and a preliminary injunction essentially asking the Court to restrain and enjoin this business owner from operating the business unless and until they comply with all City requirements including the payment of taxes and any other fees they may be owing.

Chair asked Solicitor if he would recommend this be continued. Solicitor stated that he would recommend continuing this for sixty days.

On motion by Councilman Wall, seconded by Councilwoman Haroian, it was voted to continue this license renewal application for sixty days. Motion passed unanimously.

VII. COMMITTEE BUSINESS MATTERS CARRIED OVER

A. CLASS BV LIQUOR LICENSE TRANSFER

From: *Caffe Itri, Inc. d/b/a Caffe Itri* located at 1686 Cranston St. *(Cont from 5/6/24)*

To: *Café Loffredo, LLC d/b/a Caffe Itri* located at 1686 Cranston St.

Hours of operation: Mon-Sun 6am-1am

Anthony Loffredo

Phil Kraska, 72 Ridgewood, appeared to speak. No one appeared to oppose.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve this license transfer application.

Under Discussion:

Council President Marino asked what the hours of operation will be. Mr. Kraska stated that the hours will be the same, 4 pm to 10 pm.

Roll call was taken on motion to approve this license transfer application and motion passed unanimously.

B. CLASS BV LIQUOR LICENSE TRANSFER *(Cont. from 4/1/24 & 5/6/24)*

From: Royal Buffet & Grill, Inc. d/b/a Royal Buffet located at 272 Garfield Ave.

To: Royal Buffet Cranston, Inc. d/b/a Royal Buffet located at 272 Garfield Ave.

Suet Chung Lau

Outstanding items required prior to issuance of license by City Clerk:

- RI Division of Taxation Letter of Good Standing
- Certificate of Liability Insurance
- Release from Horizon Beverage

No one appeared to speak.

On motion by Councilman Donegan, seconded by Councilman Wall, it was voted to continue this license renewal application. Motion passed unanimously.

C. VICTUALLING LICENSE – NEW

1. KIZILKULA, LLC d/b/a Boulevard Pizza located at 1031 Narragansett Blvd.

Mevlut Kizilkula *(Cont. from 3/4/24, 4/1/24& 5/6/24)*

Outstanding items required prior to issuance of license by City Clerk:

- Clearance on City Tangible Taxes (Owes 2023)

No one appeared to speak.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to continue this license renewal application. Motion passed unanimously.

2. Royal Buffet Cranston, Inc. located at 272 Garfield Ave.

(Cont. from 4/1/24 & 5/6/24)

Suet Chung Lau

Outstanding items required prior to issuance of license by City Clerk:

- RI Dept of Health License

No one appeared to speak.

On motion by Councilwoman Haroian, seconded by Councilman Donegan, it was voted to continue this license renewal application. Motion passed unanimously.

VIII. NEW MATTERS BEFORE THE COMMITTEE

SEPTAGE HAULERS LICENSE

Town of Coventry located at 1670 Flat River Rd., Coventry, RI

Dan Parrillo, Coventry Town Manager, appeared to speak.

On motion by Councilman Donegan, seconded by Councilwoman Haroian, it was voted to approve this license application. Motion passed unanimously.

VICTUALING LICENSE

Psalms 138, LLC d/b/a Chicanos located at 82 Rolfe Sq.

Wendy Piedrasanta

Sun-Sat 9am-10pm

Outstanding items required prior to issuance of license by City Clerk:

-RI Dept of Health License

Charlotte Piedrasanta appeared to speak and stated that the Health Department was contacted and she is waiting for an inspection date. She plans to open as soon as the license is approved.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve this license application.

Under Discussion:

Council President Marino stated that she is not in favor of approving the license and would feel very irresponsible approving it without Health Department approval.

Chair stated to the applicant that if by chance, the inspection is done within the next day or two, perhaps the Committee could hold a special meeting before another meeting later in the month so applicant does not have to wait until the next regular meeting.

Motion and second were withdrawn.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to continue this license application. Motion passed unanimously.

IX. TRAFFIC ENGINEER

No business.

X. POLICE DEPARTMENT

No business.

XI. FIRE DEPARTMENT

No Business.

XII. LICENSE RENEWALS BEFORE THE COMMITTEE

ADDITIONAL HOURS VICTUALING LICENSE

Cumberland Farms #1279 located at 659 Reservoir Ave. (24/7)

Torus, Inc. d/b/a Dunkin located at 360 Reservoir Ave. (24/7)

AMUSEMENT MACHINE LICENSE

Cranston Portuguese Club located at 20 Second Ave.

AUTO REPAIR/AUTO BODY LICENSE

American Muffler and Brake located at 1380 Park Ave.

Andy's East Coast Speed located at 1528 Elmwood Ave.

Arlington Auto Body located at 1211 Cranston St.

Central Truck Service, Inc. located at 131 Fletcher Ave.

Century Auto Body located at 510 Atwood Ave.

City Towing & Service located at 20 Carman St.

Clarks Auto located at 364 Wellington Ave.

Collision Management Center d/b/a Autopaint RI located at 47 Stamp Farm Rd.

E&K Electromechanics, LLC located at 298 Montgomery Ave.

E&S Auto Service, LLC located at 370 Wellington Ave.

Kayros Auto Tech located at 529 Dyer Ave.

M.C. LLC d/b/a Jiffy Lube #673 located at 1440 Park Ave.

Miranda Auto Repair located at 75 Russe St. Unit 2

Oil & Grease on Wheels, Inc. located at 154 Fletcher Ave.

Pawtuxet Auto Service located at 2175 Broad St.

Precision Collision located at 350 Wellington Ave.

Revision Automotive, Inc. d/b/a Auto Rust Technicians located at 275 Niantic Ave.

Stevens Auto Service located at 90 Libera St. Unit 2

Toups Auto located at 1478 Elmwood Ave.

Valvoline Instant Oil Change AB1127 located at 520 Reservoir Ave.

Volare Motors located at 1003 Park Ave.

BUSINESS IN TEMPORARY STRUCTURE LICENSE

CCAP/One Cranston Health Equity Zone Farmers Market located at Bain Track

CARNIVAL LICENSE

Santa Maria DiPrata Society located at 29 Walnut Grove Ave.

(August 30th, 31st 7 September 1st)

FIREARMS DEALER LICENSE

Econoloads, LLC located at 1065 Park Ave.

On motion by Councilman Donegan, seconded by Councilman Wall, it was voted to take all the above-listed license renewal applications as a block. Motion passed unanimously.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve all the above-listed license renewal applications as a block. Motion passed unanimously.

MOBILE FOOD ESTABLISHMENTS *Ratify the Action*

Angkor Boba Tea House- MFE 1003

Full House Q Mobile BBQ- MFE 1009

Ming's Asian Street Food, LLC-MFE 45

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to take all the above-listed license renewal applications as a block. Motion passed unanimously.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve all the above-listed license renewal applications as a block. Motion passed unanimously.

PARADE LICENSE

Santa Maria DiPrata Society located at 29 Walnut Grove Ave.

(August 30th, 31st 7 September 1st)

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve this license renewal application. Motion passed unanimously.

VICTUALING LICENSE

CCAP/One Cranston Health Equity Zone Farmers Market located at Bain Track
June 20th-Sept 13th

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve this license renewal application. Motion passed unanimously.

Rainbow Fusion located at 2160 Broad St.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to approve this license renewal application. Motion passed unanimously.

XIII. MONTHLY SCHEDULES (*Votes will be taken to enter lists of events in to record*)

A. RHODES ON THE PAWTUXET

On motion by Councilman Donegan, seconded by Councilwoman Haroian, it was voted to accept the list of events into the record. Motion passed unanimously.

B. CRANSTON STADIUM

No schedule received as of 1/04/2024

XIV. COMMUNICATIONS *(No votes to be taken) (Informational Purposes Only)*

Councilwoman Haroian:

- *Discussion of proposed recreational cannabis dispensary at 1112 Reservoir Ave.*
- *Discussion of City Ordinance regarding cannabis sales passed December 18, 2023*

Councilwoman Haroian provided copies from Development Plan Review's meetings that is being discussed in a lot of emails and how most of the constituents learned about this proposed retail cannabis site. She stated that prior to serving on the City Council, there was some activity on the proposed site at 1112 Reservoir Ave. and the process went before the Development Plan Review, which is no part of the Council nor is there any notice to the constituents and in the minutes, many people including herself, had the question of why City Inspector Stanley Rashella recused himself and then gave a statement he was told to recuse himself by a Solicitor. Upon doing some research, it was noted that he did not fill out a recusal form with the Ethics Commission nor turn one in. She asked Solicitor if he knows the answer of why he recused himself and there was no recusal form. Solicitor stated that he has no idea. At that level, Solicitor Marsella handles the legal position for the Planning Commission. He was not there and he spoke to him briefly prior to this meeting so those questions would need to be directed to him because neither himself, Solicitor Millea or any other Solicitors besides Solicitor Marsella would be able to answer that question. He is not aware of any sort of approval being granted for retail sales of marijuana at that particular location.

Councilwoman Haroian stated that there has been none granted, no application has been filed nor is the State accepting applications. She asked if that is correct. Solicitor stated that that is correct because to his knowledge, the State hasn't even enacted regulations yet. This is something that is very speculative at this point. At this juncture, there is simply no hard evidence that anything is going there other than, he believes, that at one point they pulled a retail sales license as far as that establishment goes. This is basically all conjecture at this point.

Councilwoman Haroian stated that she was able to get in touch with the State Cannabis Commission today and they told her the Cannabis Act passed in 2022. That is allowed use of legal cannabis in the State of Rhode Island. The State of Rhode Island will only be able to have 24 licenses for the entire State of Rhode Island. They did Zones for distributing, and each Zone is allowed to have so many retail licenses. A retail license states you cannot grow on that area, it can only be retail. We are Zoned as Cranston, East Greenwich, Warwick and North Kingstown. Within those four cities and towns there were only four retail sites in that whole group there. The Town of East Greenwich voted not to allow any cannabis retail in their entire Town. That leaves Warwick, North Kingstown and Cranston. This all took place before she was on the Council and Council was never made aware of it because it was before the Planning Board. She found out about this from the constituents going to her asking her questions and trying to do the work in the research for the community. This is also considered her neighborhood so she is very invested in this. No application is in the process or in the process of being heard to the State.

Right now, the State is not accepting applications at this time. Cannabis Control Commission is only in the process of drafting the application process and what needs to be on the application, so an application process is not even done yet so they can't even apply. For the application to be accepted after it is drawn up, the City, the Town, municipality and Zoning all have to agree on the application before the State will even accept it and hopefully at that point we will have something in where the Council and the City would have to agree on it. A lot of the other questions were in regard to traffic safety, values of houses. She does not think we need to go into them right now. She does have all the emails and is willing to ask that they be submitted into the record if that is a possibility.

On motion by Councilman Wall, seconded by Councilman Donegan, it was voted to place the questions into the record. Motion passed unanimously.

Councilman Wall stated that in December, the Council passed an Ordinance that would limit these types of businesses to the Industrial areas, the M-1 and M-2 areas. He believes this retail is C-1 designation in our Zoning. He asked, hypothetically, would this even or should this even be considered in our City because it would be wasting time? It violates a City Ordinance. Solicitor stated that he has a legal opinion about that, as do some of his fellow Solicitors because this was discussed before. Councilman Wall raises a good point and what he can say is that we did adopt an Ordinance back in December and the Ordinance contained certain Zoning restrictions and State Law is mindful of that. There is a section under the Cannabis Act, which is entitled 'Local Control', which gives a fairly decent amount of authority to the local municipality to regulate retail sales of marijuana. You can regulate up to the point that you do not conflict with State Law. The comparison needs to be drawn between the provisions in the State Law and the provisions, the proposed provisions, in the Municipal scheme. In order to get this process going once regulations are adopted by the Cannabis Commission, any proposed applicant will have to submit their application to the State as the first step. The City has absolutely nothing to do with that and one of the many factors that they are going to look at is whether or not the premises, not only applicant, but the premises, qualify for the license, meaning is there a problem with Zoning? Once the State receives the application, they are going to review it, they are not going to make a decision, but they are going to send it back to the City or Town where the application was made for commentary. At that point, the City will have an opportunity to review the application, it will review all the information contained therein, including location. At that time, the City will be free, if appropriate, to either object or approve the application after applying its own Ordinances, regulations and provisions. It is definitely going to be reviewed by the City before the license can be issued. Councilman Wall asked Solicitor, when he states "City will have the opportunity to approve", specifically which body in the City or which group in the City is it? Is it the Mayor's Office, the Solicitor's Office, Planning Department, City Council, Safety? Solicitor asked Director Pezzullo to speak.

Jason Pezzullo, Planning Director stated that as to what happened in December and January on this application. The City had the Ordinance in place to be heard late in December. Complete application by this group to do the retail cannabis came in prior to the enactment of that Ordinance. The question was what do we do with it, what do we do with this application? The problem that he faced in Planning with this application was that the Building Department had already issued a Zoning Certificate for this use at this site that this was retail. That is how

the City moved forward with this. They had already started processing the building permit. Development Plan Review Commission, not the Planning Commission, heard a pre-application of this in December and decided to take jurisdiction of application because he felt it was a change of use. They took jurisdiction and they heard the full application in January on the retail sales at this location. It was vested with the previous Ordinance. Previous Ordinance said Industrial and he consulted with the Solicitors, he consulted with Steve Marsella and Chris Millea and everyone else dealing with this and they said we have to process it as a retail establishment despite it being cannabis. In January, they did hear the preliminary plan approval of this and notices were sent out. Many people who stated they did not receive the notice are outside the 200 foot radius. Application was heard and it was communicated to him again that they did not really have much of a choice to process this through the normal avenue as a retail operation. It was approved in January and final plan was recorded in April. There were a number of conditions on the plan, they met those plan, went on record. He agrees that ultimately it would be the State deciding whether or not this location is going to meet their standards. If your application were to come in today, it would not be heard because it is only allowed in the Industrial Zones.

Solicitor stated that there was a meeting which he attended way back when and the point is there could be a misconception or mis-characterization of what should have taken place. The reason for the initial application and the decision that was ultimately made with regard to the application Director Pezzullo referred to is because at that time the General Assembly decreed that cannabis sales would be treated the same as any other retail sale. That is his understanding. He also understands that the applicant in this situation at 1112 Reservoir Ave. thought that if they could get an application in for retail sales, that we could not deny them and at the time that was true in terms of retail sales, however, his position is the legal import of what was done because in his opinion only the State has the authority to grant a retail cannabis license, not the Planning Board, not this Council, not the Mayor, not anyone, only the State. He thinks that what we did six months ago was no more than to say you are applying for a retail sales license, you want to call it marijuana, you want to call it Cumberland Farms, you want to call it something else, that is fine. In his opinion, it has no legal import whatsoever because he does not believe the City has the legal authority at that time to say we are going to approve you for a cannabis retail license.

Attorney Angell suggested to the Committee that an Executive Session be held on this with respect to the legal issues involved. He can see where the applicant is going to argue vesting, but you can't vest yourself, in his view, in a retail sales license that does not yet exist as being authorized by the State. Going forward how can you vest in a framework to have retail sales of cannabis when the General Assembly hasn't spoken on the issue right down to the extent that there is not even an application before the State Commission.

Solicitor stated that he thinks that at the time, we acted in good faith because we did not have a referendum issue as did East Greenwich. The General Assembly gave that discretion to the various towns and cities, but a referendum could have been presented to the citizens where they could have voted up or down on that. In the absence of the referendum we were basically wide open, meaning that there was no regulatory scheme whatsoever so the Mayor proposed and

the Council ultimately passed the current Ordinance that we have now. We were doing that sort of in the dark, sort of in the blind because as Attorney Angell stated, we have been waiting now for approximately two years for regulations to be published so we have some direction. Our Ordinance is definitely going to have to be amended at some point in the future once these regulations come out, but everything that took place up to now was simply to try and get ahead of the curve a little bit so we weren't completely helpless. We had to act somehow so we could not refuse someone who said they wanted a retail sales license. As Councilwoman Haroian mentioned about the Geographic Zones, there will be four licenses given in each Geographic Zone, but out of those four licenses, one of them is an equity type of license, which is much different from straight retail. Another one is a co-op which is different so you are basically talking between three cities, two retail establishment licenses and his understanding what he was told about six months ago was that it was going to be determined by lottery. You can see why it is extremely speculative regardless of what the Planning Board did back in December and January. The odds are there are going to be two licenses between North Kingstown, Warwick and Cranston so the odds of something going there, under the best of circumstances, very remote.

Council President Marino thanked Councilwoman Haroian for bringing this agenda item up. She stated that she first heard of this a few weeks ago as well from residents from that area, which was a surprise to her that this was going on and she did a good job speaking this evening about how this took place as part of the Development Plan Review Committee, which is not the Council. What the Council did do is everything within its power and ability before the law took effect on January 1st, which was to put protections in similar to what we have for liquor stores as a Council. She recalls that at that time, the Solicitor advised the Council to hold off for approximately a month because they needed to look into the legality of it. The Council was advised in December that the DBR did not yet put into place regulations relative to retail cannabis facilities. We, as a Council, had a choice. We could have enacted an Ordinance that gave the local protections that we best saw fit or we could kick the can. She was one of those Council Members that was very vocal that evening that it was imperative that we pass an Ordinance before January 1st so that we had protections in place and then if the State later on in 2024 when they came out with the regulations, if there was some discrepancy then we would address it at that time. Other than that, we have some protections in place and she appreciates the Solicitor's explanation this evening and concur that further discussions, if need be, relative to this should be in Executive Session.

Councilwoman Renzulli asked Director Pezzullo what brings something like this to Development Plan Review versus Planning, what is the difference? Director Pezzullo stated that the biggest difference would be scale projects of this size and this was interpreted through the Building and Zoning Office as a use allowed and uses like that would be Commercial Uses and would go to the Development Plan Review Committee and not the Planning Commission. The Planning Commission would see Commercial projects over 50,000 square feet. This is much much less than that. Councilwoman Renzulli asked if they would have to do a traffic study since the neighbors have concerns about that. Director Pezzullo stated that it depends on the scale of the project. There was some traffic analysis that was done on this it is at the discretion of the

Committee how far they want to go with these different aspects. Development Plan Review was chosen because he felt it was a change of use and that is one of the trigger points to take jurisdiction. They felt that the pizza place converting to the cannabis was a significant change of use so they voted to take jurisdiction.

Councilman Wall stated that as we think of guidelines going forward, given the sensitivity issue you can hear from the public, shouldn't something like that come before an Elective Body, Legislative Body? He asked Solicitor how we can make something like that happen. Solicitor stated that the public did have an opportunity to be heard at the State level. In terms of a particular group like this and a particular location, as he stated before, there are going to be certain safeguards that are built in. He just thinks that at this juncture here it is premature. He understands the neighbors' concerns, but he thinks we may be getting a little ahead of ourselves at this point. There will be opportunity going forward to weigh in on this because, as he stated, he anticipates that our Ordinance is going to need a lot of fine tuning. The built in protections, we had Planning proceeding, which was open to the public. We had the Ordinance in December, which was open to public comment and the ultimate arbiters of this are our State Senators and our State Representatives and ultimately the Governor, who signs it into law. There were several opportunities to be heard at least up until this point, but going forward, it should be reassured there will be more opportunities and there will be more safeguards going forward.

Councilman Ferri stated that the main concern is if for some miracle the State were to make a decision within two weeks and issue them a license, would we be allowing them to go to that location? Solicitor stated that the State is not exactly going to do that. What the State is going to do is simply notify the City that the application is complete. It is then going to be sent back here for comment and, as he stated before, objection, approval, there will be input from the City. That is the added layer of protection.

XV. PRESENTATIONS

None.

XVI. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Minutes approved as written July 1, 2024

Attest: _____

Rosalba Zanni

Assistant City Clerk/Clerk of Committees