

**AN ORDINANCE AMENDING THE “OLD YORK ROAD REDEVELOPMENT PLAN –
OLD YORK ROAD REDEVELOPMENT AREA, ROBBINSVILLE TOWNSHIP,
MERCER COUNTY, NEW JERSEY”**

WHEREAS, on March 23, 2023, the Township Council adopted the Old York Road Redevelopment Plan for the Old York Road Redevelopment Area (the “Redevelopment Area”) by Ordinance No. 2023-16; and

WHEREAS, the Township Council now wishes to amend the Old York Road Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Township Council prepared an amendment to the Old York Road Redevelopment Plan and referred it to the Robbinsville Township Land Use Board for its recommendations; and

WHEREAS, the Township Council has reviewed and accepts the recommendations of the Robbinsville Township Land Use Board and finds that the adoption of the amendment to the Old York Road Redevelopment Plan will be in the best interests of the Township of Robbinsville, is consistent with the Township Master Plan, and will facilitate appropriate rehabilitation, redevelopment and revitalization of the Old York Road Redevelopment Area;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Robbinsville as follows:

Section 1. The Old York Road Redevelopment Plan is hereby amended as follows [added portion is underlined; deleted portion has strikethrough]:

Section 8.2.2 RETAIL & QUICK-SERVE RESTAURANT PARCEL.

B. Permitted Ancillary Uses & Structures

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5. Subject to the provisions of the Circulation, Parking & Loading Plan herein, surface parking lots.

C. Permitted Conditional Uses

1. Cannabis Retail Establishments (with or without a Class 6 delivery license)

a. Cannabis Retail Establishments are permitted as a conditional use in accordance with the provisions of Chapter 88 of the Code of the Township of Robbinsville.

- b. No person or entity may operate as a Cannabis Retail Establishment, as defined in Chapter 88 and this chapter, without first obtaining:
- (1) Site Plan approval or Site Plan waiver from the Land Use Board;
 - (2) A municipal permit for the Cannabis Retail Establishment pursuant to Chapter 88, which shall not be issued until after Site Plan approval or Site Plan waiver has been granted by the Land Use Board, which municipal permit will not become effective until a municipal zoning permit has been issued for the operation; and
 - (3) A Cannabis Regulatory Commission-issued license or permit for the operation.
- c. Any suspension, revocation or nonrenewal of the municipal permit pursuant to Chapter 88, or any suspension, revocation or nonrenewal of a Cannabis Regulatory Commission-issued license for the operation, or adjudication of felony criminal guilt by the operation or its principals shall constitute an automatic revocation of the municipal zoning permit for the operation, at which time the operation must cease. With respect to a suspension, revocation or nonrenewal of the municipal permit or the Cannabis Regulatory Commission-issued permit or license, the operation may not reinstate its municipal zoning permit until the Township and/or Cannabis Regulatory Commission permit or licenses are reinstated. A criminal conviction voids and prohibits any future reinstatement of Township permits.
- d. Cannabis Retail Establishment shall be permitted, pursuant to this chapter, only if the following requirements are met:
- (1) The regulations of this section are subject to the enabling authority of the State of New Jersey, by and through the Cannabis Regulatory Commission, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this section

is inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall prevail.

- (2) Odor. Cannabis retail establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises so as to make such odors undetectable by a person of reasonable sensitivity anywhere on the adjacent property, within public rights-of-way, or within any other unit located in the same building as the cannabis retail establishment, if the use only occupies a portion of a building.
- (3) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (4) Security. All cannabis retail establishments shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel on site at all times during operating hours.
- (5) All cannabis retail establishments located within the Township must provide the Robbinsville Police Division with access to security footage immediately upon request by the Division.
- (6) No cannabis retail establishment shall be located within 500 feet measured from the closest point of any structure housing a cannabis retail establishment to the property line of any park, public or nonpublic school or house of worship.
- (7) Signage. In addition to the requirements of § 142-48, signage design shall not include artistic or photographic renderings of cannabis plants.

C.D. Building Limit Controls

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Section 2. The Township Council declares and determines that said amendment of the Old York Road Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the planning, development and rehabilitation within the Township, and specifically the Old York Road Redevelopment Area, and is otherwise in conformance with N.J.S.A. 12A-1 *et seq.*

Section 3. In adopting this amendment to the Old York Road Redevelopment Plan, the Township Council hereby accepts the recommendations of the Robbinsville Township Land Use Board.

Section 4. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged, invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section 6. This ordinance shall take effect upon final adoption and publication in accordance with the law.

PASSED: February 22, 2024

ADOPTED: February 23, 2024

Michele Seigfried, Municipal Clerk

Paul Renaud, Acting Mayor