

State to miss deadline for marijuana retail sales

By JACK FICHTER
Cape May Star and Wave

TRENTON — Sale of recreational marijuana from medical dispensaries was supposed to start Feb. 22 but the deadline will not be met, according to the New Jersey Cannabis Regulatory Commission (CRC), which has yet to issue a license.

The CRC wants to ensure medical marijuana users do not find shortages of cannabis due to it being sold for

recreational use.

During a public meeting Jan. 27, CRC Executive Director Jeff Brown said the commission began accepting applications in December for cultivators, manufacturers and testing labs. As of the end of January, 336 applications had been received and the CRC was moving through the review process.

Brown said 87 percent of the applications were for conditional licenses and 13

percent for annual licenses. Cultivation licenses make up 63 percent of the applications, with 33 percent for manufacturing and just under 1 percent for testing labs.

A conditional license is a provisional license with an abbreviated application process that gives applicants more time to get property or municipal approval.

An annual license allows applicants to begin operations after passing CRC inspections. Conditional license holders, if approved, would have up to 5.5 months to apply to convert to the an-

nual license via a conditional conversion application.

The state had received 115 social equity business applications, 154 diversity-owned applications and 34 impact zone applications. Brown said the commission's goal was a 90-day review turnaround but noted it was unlikely to occur in the early days of the CRC.

He said dispensary applications were in the investigative stage. Brown said dispensaries have 12 months to become operational from the time of their award.

Alternate Treatment Centers (ATCs) by law do not

need to go through formal application process to begin recreational cannabis sales. They must prove they have adequate supply to serve both patients and recreational consumers.

ATCs must also prove they can expand to recreational dispensing without affecting service to patients. Brown said ATCs must have approval of the municipality where they are located.

He said the CRC has received eight certification applications from ATCs. Brown said none of the applications from ATCs were complete and most lacked

municipal approval.

"There's a lack of specificity of measures to ensure patients will continue to have adequate access to dispensaries once we turn on recreational sales," he said. "When we turn on recreational sales and there are limited outlets to get recreational cannabis, they are going to be crowded and we want to see specific measures to ensure that patients can continue to be served first."

License applications for retail cannabis stores will be accepted beginning March 15.

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City to codify rules for police special details

By JACK FICHTER
Cape May Star and Wave

CAPE MAY — City Council introduced an ordinance to codify the practice of extra duty work for police officers such as directing traffic at events, providing security or crowd control or watching traffic at utility company road projects.

On Feb. 1, Deputy Mayor Stacy Sheehan asked if the city would charge for additional police officers on duty for special events held by profit-making organizations. She said she understood a number of events were held by nonprofit organizations but other were not.

Police Chief Dekon Fashaw said an \$80 hourly fee for an officer was raised to \$100 per hour last year to keep pace with fees charged by the State Police and Middle Township police. He said the police department charges nonprofit organizations for police services.

Fashaw said MAC (Museums+Arts+Culture) paid a reduced rate of \$50 per hour for each officer.

The ordinance requires an escrow account for events needing a substantial police presence. It also contains an insurance requirement of \$1 million liability coverage for death, bodily injury and property damage.

Deputy City Manager Lou Belasco said the city was working on a separate special events ordinance that would likely be presented to council in March. He said one ordinance would cover special event policing while another would govern extra duty such as traffic control.

Fashaw said coordinators of events such as races are charged \$100 per hour per officer. He said in some cases an ambulance may need to be stationed at an event or Public Works may need to clean the street following the event, which may require additional fees.

The police department

typically does not charge for extra officers during Oktoberfest, Fashaw said. Sheehan said the Chamber of Commerce presents Oktoberfest and should pay for police services.

Fashaw said the ordinance being introduced is important because the police department works a number of special details for Atlantic City Electric.

"We're vouchering these companies. I needed to add some backbone to my vouchering," he said.

Clarification of which organizations are charged for extra police services needs to come from the city administration, Fashaw said.

Future of outdoor dining

Continued from Page A1

seats in restaurants in recent years. Deputy City Manager Lou Belasco said code enforcement did so in 2021.

If council wanted to again allow additional outdoor dining due to the pandemic, the state remains under a state of emergency, Gillin-Schwartz said.

Councilman Mike Yeager said he did not want to see the planning and zoning boards inundated with applications for outdoor dining. He suggested a small committee review applications with the zoning officer.

Yeager also suggested restaurant owners notify neighboring properties they are making an application to

the city for outdoor dining. Sheehan said she did not anticipate many applications.

"The ones that don't have it are the ones that were using city property, which we are not looking to entertain this year," she said.

The current ordinance does not allow dining in parking lots, Sheehan said.

Mullock said an owner could apply to the Planning Board to place dining in a parking area. Sheehan said she favored applicants going before a full board and not a committee.

"We're not trying to create a party atmosphere, we're trying to create an opportunity for patrons to feel safe while dining," Meier said.

Sheehan said it was not a responsibility of council to create an atmosphere where everyone feels safe because everyone will not feel safe. Meier said he wasn't striving for perfection.

"I'm trying to make the best for most," he said.

Gillin-Schwartz said any use of the city's right of way would require approval of council.

"There may be appro-

priate locations and circumstances where you may consider charging a fee for that," he said.

The city makes patio permits available for the Washington Street Mall, Gillin-Schwartz said, adding that some renew outdoor dining permits annually.

Meier said he believes there is room for some businesses to use some of their parking for outdoor dining.

Currently, neighborhood residents do not receive notice of future outdoor dining by an establishment. Gillin-Schwartz said if someone bought a building in a residential zone and decided to have outdoor dining, it may require a use variance from the Zoning Board but pre-existing, nonconforming uses exist and outdoor dining as a permitted use in the commercial zones.

Mullock said council seemed to be comfortable with the existing ordinance. He asked if council wanted to keep the current process of restaurants applying to the zoning officer if a heavy amount of outdoor dining permits were made for the summer season.

"I would recommend busi-

nesses get their applications in as soon as possible because there is a 30-day window that they have to get a response by," Meier said.

Baldwin suggested a small review committee consisting of members of the planning and zoning boards and HPC. She suggested a liaison from council as a nonvoting member.

Mullock said the largest response from residents concerned the aesthetics of outdoor dining such as plastic chairs and tents.

"If you think about it, if you're in the historic district, you're not supposed to use vinyl siding," Gillin-Schwartz said.

The mayor said he did not want to dictate what type of seats can be used for outdoor dining. He said the city has learned a lot about outdoor dining in the past two years.

City Clerk Erin Burke asked whether if council made changes to the outdoor dining portion of the city code it affect establishments that have approvals and annual renewals. She said a significant number of restaurants applied for outdoor dining permits when it first became available.

Burke said many of the restaurants that were granted temporary COVID relief outdoor seating may have their approval in place, so she did not know how many applications the city should anticipate unless they wanted to make amendments to what has been approved.

Yeager said if the city sees much demand for outdoor dining permits, council may need to take action.

During public comment, Municipal Taxation and Revenue Advisory Committee Chairman Dennis Crowley said the city's current zoning code does not permit outdoor dining in any residential district but Cape May has dining and drinking establishments in residential districts.

"That's an issue you're going to have to deal with as you go forward and you're not going to have a lot of time to do that," he said.

Resident Jules Rauch said a city ordinance states one parking space must be provided for every four restaurant seats. Until two years ago, that procedure was in place but that is no longer enforced, he said.

Rauch said for a number of years, he looked at mercantile licenses and compared them to original site plan approvals for seating.

"There is a great difference in those two numbers," he said. "There are very few businesses that comply with their site plan approval."

The businesses have been awarded mercantile licenses over the years with "whatever number they want to plug in," Rauch said.

He said a committee in 2016 had city staff pull site plan approvals for 18 restaurants for a physical count of seats and compared the figures to mercantile licenses.

"Nobody complied," Rauch said. "It was estimated that at that time there were over 1,000 seats in existence contrary to the site plan approval."

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