

Cannabis commission OKs 32 more conditional licenses

By JACK FICHTER
Cape May Star and Wave

TRENTON — The state Cannabis Regulatory Commission (CRC) Board of Directors approved 32 conditional licenses and 16 annual licenses March 2.

The conditional licenses allow applicants to set up a recreational cannabis business but not operation.

None of the applications was for a recreational cannabis business in West Cape May or Lower Township.

According to CRC Chairwoman Dianna Houenou, public comment

will be accepted for proposed rules for cannabis consumption lounges until March 18. Comments can be submitted at nj.gov/cannabis.

CRC Executive Director Jeff Brown said 1,647 applications have been submitted for recreational cannabis businesses with only 51 applications advancing to a completeness review because there is an issue with the priority they applied and the information they provided. Most of the applications are for conditional licenses, he said.

Of the applications, 942 are for recreational can-

nabis retailers, 415 for cultivators, 253 for manufacturers, five for wholesalers, 10 for distributors, 13 for delivery services and 11 for testing laboratories. Applications are not being processed for wholesale, distribution and delivery service because the rules have not been published, Brown said.

The CRC has received 175 applications to convert conditional licenses to annual licenses which allow operation of a recreational cannabis business.

CRC Commissioner Charles Barker said based on his review of the annual license applications

on the agenda, 11 of the 14 applicants were majority owned by white applicants with none owned by Latino and only one majority owned by a Black applicant. He said the CRC could do better.

Houenou said the commission could not control the make-up of the applicant businesses. Barker said those most harmed by the failed war on drugs, especially Black and Brown people, should be prioritized.

The entire board shares the vision of wanting to see a diverse industry, Houenou said. She said many resources were available

on the CRC website.

Commissioner Maria Del-Cid Kosso said roundtable discussions have been set with stakeholder groups and a conference with the National Hispanic Caucus was scheduled for this week to motivate Latino, Black and Brown applicants to submit applications for cannabis businesses.

"It is the CRC's mission to continue to fight for social equity in this industry," she said.

Brown said of the approvals at the March 2 meeting, 12 applicants qualified as diversely owned businesses. He said

New Jersey is developing one of the most diverse cannabis markets in the nation.

During public comment, Jennifer Robles said she represented the Empire Dispensary which applied for a license many months ago and cannot get an answer on the status of its application. She said the business is women- and minority-owned.

"We are bleeding money every month because we have a lease that we pay for and we're still not getting answers from the commission about the next steps moving forward," Robles said.

Coastal protection

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Township's solicitor raised several concerns about the project and

the fact that the property where the dune would be built is privately owned.

"The commissioner acknowledged that negotia-

tions with private property owners would take place during the finalization of the design," he said. "The commissioner indicated that the only issue to address during this call was whether or not all four municipalities would proceed with execution of the state aid agreement to move this project forward."

Lower Township had a deadline of Feb. 24 to approve the agreement, or the DEP indicated it would have no choice but to inform the U.S. Army Corps of Engineers of the impasse and suggest the project be terminated not only for Lower Township but for the other three municipalities.

The cost is about \$7.5 million and is fully funded by the state and federal governments, Sippel

said.

"As an elected official, I have a hard time finding anything more important than protecting the lives and property of residents of this township," he said.

During public comment, Baranowski said the association supports the dune project but has problems with "cookie-cutter, boiler-plate agreements that didn't really properly reflect the interests of the private parties."

Baranowski said the DEP and Army Corps want to take an easement but the aid agreement states the entire project area would be subject to public access. He said that would require a beach management plan.

Baranowski said the project would go beyond taking an easement from private property owners and the DEP's demand that Lower sign a "cookie-cutter agreement" would result in a total taking of the property from the Grand Condominium and others.

"They're demanding that privately owned land just become completely subject to public access, and what that's going to mean is if we end up in some type of judicial proceeding, we're going to have no choice but to assert that this is a total taking of the property, that the state should pay to reacquire the land that the Grand and others have acquired in fee simple by virtue of a grant and take it back as public property," Baranowski said.

He said the Grand constructed its own dune and maintains it at its own cost. Baranowski said the owners pay taxes on that portion of the property and hire lifeguards. If the Grand has to assert the state has taken its land entirely and it returns to public ownership, all those costs would shift to Lower Township resulting in a loss of tax revenue, Baranowski said.

"The Grand is not going to be responsible to own a beach that's privately owned but make

it publicly available and bear all the costs and have all of the sour and none of the sweet, so to speak," he said.

Baranowski urged council to look at alternatives and to demand that DEP negotiate with the township in good faith, "not a take it or leave it" after years of planning.

"There are many options here that have not been explored," he said. "We've demanded to talk with DEP; they refused."

Grand Condominium resident Tim McKenna said property owners have been building and maintaining dunes since 2009.

Bob Repzinski, treasurer for the homeowners association, said the agreement with the DEP states the township is responsible for 25 percent of the ongoing costs for beach replenishment every four years.

Jim Yost, representing Seapointe Village, said the condominium complex has maintained its own dune since 1986. He said in 2009, a 300-foot extension was added to the Seapointe Village stormwater outfall pipe and another 300-foot extension will be added this year.

He said that shows beach growth has been accelerating over the past 37 years.

Total beach and dune maintenance costs are in excess of \$1 million, solely funded by Seapointe Village homeowners, Yost said.

"Seapointe Village hired Stockton University's Coastal Research Center team led by Dr. Stewart Farrell to survey the Seapointe dunes in 2015," Yost said.

At that time, the dunes exceeded 85 percent of the Army Corps shore protection project design standard for height and width.

He said there has been no negative effect caused by the Seapointe Village dunes. Yost said Seapointe Village was requesting township council not sign the state aid agreement.

Yost said the agreement contained misstatements of fact including a statement the dunes in Diamond Beach were subject to constant erosion and degradation.

"The state aid agreement essentially calls for the township to enter into an agreement with the DEP without full knowledge of what the project will look like when completed and how the project will impact the township and its tax paying citizens," he said.

No boundaries for an easement have been specified, Yost said.

Solicitor Robert Belasco said the township requested answers from the DEP, asked for completed plans and requested representatives meet with homeowners.

"The response that we received is essentially the response that they provided all along, it's that they are not going to move forward with the design and the completion of the design until they know the municipalities are on board and they've indicated they're going to negotiate the easement language with property owners only after the agreement is signed by the municipality," he said.

Belasco said the township had requested a number of revisions to the agreement.

Sippel said the DEP's deadline put council in a bind.

"We vote this down, they pull the plug on all of the Wildwoods," he said.

According to the Army Corps, the northern portion of Five Mile Island has experienced erosion over the past 10 years that has exposed property to storm damage.

The southern portion of the project area is accreting sand rapidly, clogging municipal outfalls that drain storm water from the interior portions of the island to the sea.

Periodic beach nourishment is scheduled at four-year intervals subsequent to completion of initial construction, according to the plans. Belasco said the DEP later stated renourishment would only occur when needed.

Sippel said the DEP stated if the agreement were signed, the agency would work with property owners on the location of an easement to the best of their ability with the approval of the Army Corps.



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