



Ziad Shehady <zshehady@redbanknj.org>

Fwd: Drug Free School Zones Applicability to Alternative Treatment Centers1 message

Glenn Carter <gcarter@redbanknj.org>

Tue, Jan 22, 2019 at 4:15 PM

To: Gregory Cannon <gcannon@sobelhan.com>

Cc: "Ziad A. Shehady" <ZShehady@redbanknj.org>

Greg, a reminder on this.

Glenn

----- Forwarded message -----

From: **Darren McConnell** <dmcconnell@redbanknj.org>

Date: Thu, Jan 17, 2019 at 5:10 PM

Subject: Re: Drug Free School Zones Applicability to Alternative Treatment Centers

To: Glenn Carter <gcarter@redbanknj.org>

Cc: Gregory Cannon <gcannon@sobelhan.com>, Ziad A. Shehady <ZShehady@redbanknj.org>

No, I can't think of anything in that area that would qualify as a public playground. The other question regarding the 1000 feet of the school zone is a good question. I asked one of my detectives and he is not certain either. We are reaching out to the Director of the County Narcotics Unit to get their opinion on that.

On Thu, Jan 17, 2019 at 4:26 PM Glenn Carter <gcarter@redbanknj.org> wrote:

Thanks Darren,

The one requirement of the Federal Drug Free School Zone is that it has to be a minimum 1,000' from a playground which is defined as an outdoor area open to the public with at least three apparatus. Can't think of any such playgrounds. Can you? The other technical issue is that the piece of the property containing the proposed ATC is within 1,000' of the Charter School, but the portion of the property that is to house the ATC is not within 1,000'. Not sure whether the 1,000' applies to the entire property or the portion of the property that is to house the ATC.

Glenn

On Thu, Jan 17, 2019 at 3:34 PM Darren McConnell <dmcconnell@redbanknj.org> wrote:

Glen and Greg (and Z),

I just got a chance to look at the Drug Free School Zone Map. The location in question does not fall into any of the areas covered by state laws. My understanding is that federal laws may extend the area from a public park or public housing complex further than the state statutes do. We have only used the state laws in the past.

However, in looking at it, this location definitely is not within 1000 feet of any school. There is a park, Veterans Park, at the corner of Riverside Avenue and Front Street that would be the closest park / housing facility. It does however appear to be further than 1000 feet away.

I did ask several months ago for an opinion on this type of scenario from the Prosecutor's Office and got a typical non committal answer. From a practical perspective I don't know if a medical marijuana facility would fall under the Drug Free statutes anyway, since a pharmacy does not. However, Greg, that's why you're the attorney! HAHA! The recreational ones if and when they come to be may be a different story. When I did speak to the Prosecutor's Office they stated further guidance should be coming from the AG's office, but I have not seen any thus far.

Just thought this may help. If there's anything you need from me please let me know.

Darren

On Thu, Jan 17, 2019 at 3:06 PM Glenn Carter <gcarter@redbanknj.org> wrote:

Greg,

6/7/2019

Borough of Red Bank Mail - Fwd: Drug Free School Zones Applicability to Alternative Treatment Centers

Received an application for an Alternative Treatment Center. After some research I could not determine whether Federal and/or State Drug Free School Zone laws apply to the siting of Alternative Treatment Centers. Please advise.

Glenn Carter

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Darren McConnell

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