

**TOWNSHIP OF WASHINGTON  
Planning Board**

Resolution PB-19-26

WHEREAS, Cedar Smoke, Inc. has made an application to the Township of Washington Planning Board for a tentative approval of a site plan for the property located at 293 Pascack Road in the Township of Washington, being Lot 1 in Block 3403 and Lots 18-20 in Block 3402 on the Township of Washington Tax Assessment Map, Unit 261B; and

WHEREAS, by Order dated October 30, 2019, the Superior Court reversed the determination of the Washington Township Planning Board denying the applicant's application and ordered that this Board grant the applicant's application; and

WHEREAS, the Township of Washington Planning Board has reviewed the following:

- a. A "Township of Washington Planning Board Application for Tentative Approval of a Site Plan, Washington Town Center", received by the Board on April 3, 2018;
- b. Page 18 of 18, of the executed Lease Agreement by and between the applicant and Washington Town Center, LLC, dated March 12, 2018;
- c. An Architectural drawing entitled "Store Plan, Washington Town Center, Unit 261B", as prepared by James E. De Barbieri, Architect;
- d. A hand written Narrative document dated 3/29/18 as prepared by the owner/applicant Eddie Marji, describing the operational aspects of the proposed facility;
- e. A hand written document stating business hours and number of employees, undated;

- f. A Sign Detail, indicating the type and dimensions of proposed sign, undated; and
- g. A letter from "Washington Town Center, LLC; to the Building Department, stating the "Sign for Cedar Smoke" was presented and approved, dated March 28, 2018.

NOW, THEREFORE, the Township of Washington Planning Board makes the following findings of fact:

- 1. The applicant was not required to notify all property owners within 200 feet of the subject property.
- 2. The applicant, Cedar Smoke, Inc. is seeking site plan approval in connection with the proposed tenancy of Unit No. 261 B in the Washington Town Center for the operation of a smoke and vape shop store.

NOW, THEREFORE, the Township of Washington Planning Board makes the following conclusions:

- 1. The Applicant's proposal as depicted on the above referenced documents satisfies the criteria set forth under Township Code Section 239 -3.A for a "Minor Site Plan" and is so classified by the Board.
- 2. The design, as presented, is found to comply with the lot area, street frontage, lot depth, front yard width, side yard width, rear yard width, building height, and building coverage requirements for this Zoning District.
- 3. The Washington Town Center is situated within the "Class C Retail Business Area" Zoning District. With respect to the operation of a "Retail only smoke and vape shop", such use is permitted under Township Code Section 245-57.A(3) which reads as follows:

*Retail store or office, bank, tailor shop, shoe shop, barbershop, beauty parlor, bakery, plumbing shop, provided that in the stores or shops no supplies or merchandise shall be carried other than that intended to be sold at retail on the premises; and provided further that only electrical power shall be used for*

*operating machinery as may be consistent with the business permitted by this section; and provided further that no supplies or merchandise or personal property of any kind whatsoever shall be stored or displayed outdoors; and provided further that any such use herein permitted shall not endanger the public health or safety or constitute a public nuisance or be noxious or offensive by reason of the emission of dust, smoke, gas or noise.*

4. The proposed use of this space as described hereinabove is in conformance with the requirements of the Township Zoning Ordinance section 580-62, as well as consistent with the existing tenancy within the Town Center and thus, the Board concludes that the subject premises may be occupied by the prospective tenant without adverse impact to the existing utilities or other site amenities.
5. The applicant's signage proposal complies with the requirements of Township Code Section 194-4.1(A), which permits the installation of signage within the "Signage Area" the dimension of which is noted to be 12'-6" (twelve feet six inches) in length and 4'-0" (four feet zero inches) in height.

NOW THEREFORE, the Township of Washington hereby grants the application of the applicant subject to the following:

1. The Applicant shall construct the space in accordance with the testimony given at the hearing of this application as to the work space/storage area and bathroom facilities;
2. Hours of operation shall be as follows:  
  
Monday through Saturday - 11:00 am to 9:00 pm  
Sunday - 1:00 pm to 7 pm if permitted by statute or ordinance;
3. The number of employees shall range from 1 to 4, with all employees being twenty-one (21) years old or older;
4. The Applicant shall conform to all the details of the plans and information as hereinabove set forth and to any revisions made hereto;

5. The Applicant concurs with all of the recommendations set forth in the report of the Township Engineer dated April 25, 2018 and will perform accordingly;
6. As the modifications to the premises are limited to the building's interior elements, the final construction plans shall be submitted to the Township Construction Code Official for his review and approval;
7. The Applicant shall confer with the Chief of the Township of Washington Volunteer Fire Department and revise the plans as necessary to depict the location and details of any "Knox Box" type installation to enable the Fire Department to have key access to the building in the event of a fire emergency during non-business hours;
8. The Applicant shall pay the costs of the Township Engineer, the Township of Washington Attorney and/or the Township of Washington Planning Board attorney associated with this application, and deposit sufficient funds for payment with the Township of Washington Treasurer; and
9. The Applicant shall comply with all applicable municipal and governmental regulations affected the proposed development;
10. The applicant may sell electronic cigarettes and loose tobacco and pipe tobacco together with smoking accessories but only to customers who prove that they are twenty-one (21) years of age or older;
11. No one shall enter the store unless he or she is twenty-one (21) years of age or older;
12. The applicant will not sell marijuana nor marijuana based products, be it recreational or medicinal, notwithstanding whether there is a change in State law that might permit the sale of recreational use marijuana in the future. This condition shall be binding upon any successor owners of the business;

13. The applicant shall not permit any indoor smoking on the premises;
14. The applicant will only sell vaping oils that are vegetable based glycerin and American made organic from United States vendors licensed in the United States and approved by the Food and Drug Administration ("FDA"), no foreign-made oils that are not approved by the FDA shall be sold;
15. The applicant shall tint the store windows and make them one-way;
16. The applicant shall not sell edibles or synthetic oils; and
17. The applicant shall not advertise tobacco or tobacco products in accordance with Federal and State law.

BE IT FURTHER RESOLVED, that the Secretary of the Planning Board is hereby directed to mail a copy of this Resolution to the applicant and/or applicant's attorney, and file a copy of this Resolution with the Township of Washington Clerk, and to cause a notice of this determination of the Planning Board to be published in the official newspaper of the Township of Washington within ten (10) days of the date hereof and thereafter published according to law.

Dated: December 18, 2019

BY THE BOARD

BY:

  
BRIAN MURPHY, CHAIRMAN

Certified to be a true copy of the Resolution adopted by the  
Planning Board of the Township of Washington at its meeting on  
December 18, 2019.

  
BARBARA COLEMAN, Secretary