

**TOWNSHIP OF WASHINGTON, BERGEN COUNTY
PLANNING BOARD MINUTES
May 30, 2018 7:30 PM**

CALL TO ORDER

SALUTE TO THE FLAG

OPEN PUBLIC MEETINGS ACT

In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been sent to The Ridgewood News, our official newspaper in the Township of Washington and notice has been posted on the bulletin board at Town Hall.

Welcome of Gloria Wiesner as new planning Board Secretary

ROLL CALL: Mr. Pinnick, Mr. Sabino, Mr. Sears, Mr. Vinagre, Mayor Calamari, Councilman Cumming, Chairman Murphy were present.

Mr. Golick was absent

ALSO IN ATTENDANCE:

Board Engineer-Paul Azzolina

Board Attorney – Louis Lamatina, Esq.

MOTION TO OPEN PUBLIC PORTION

Mr. Murphy made motion to Open meeting to the Public for any items not on tonight's agenda.

Mr. Sears moved; Mr. Sabino seconded; motion carried

Motion passed 7-0 with one absent.

MOTION TO CLOSE PUBLIC PORTION

Mr. Calamari moved; Mr. Sabino seconded; motion carried

OLD BUSINESS

RESOLUTION FOR:

LONEGAN FOR CONGRESS, INC. Political Campaign Headquarters at 273 Pascack Road in Washington Town Center. Motion required to authorize resolution of application approved at Planning Board meeting of April 25, 2018.

MOTION TO APPROVE ABOVE RESOLUTION

Mr. Sabino moved; Mr. Sears seconded; motion carried

Absent: Mr. Golick

Nays: None

NEW BUSINESSES – REVIEW OF APPLICATION (CONTITUATION) FOR:

CEDAR SMOKE SHOP – Cedar Smoke, Inc. of 261B Pascack Road in Washington Town Center is seeking approval to open a Smoke Shop, Vape Store and install a new sign.

Mr. Murphy updated Planning Board that the Board would pick up where they left off at last Planning Board meeting on April 6, 2018.

Swearing in of Mr. Eddie Marji.

Mr. Azzolina began meeting by going through the remaining item on the Engineer's Report #9-#14.

Items # 9 on Report- Business Hours/Number of employees:

Mon - Sat 11AM- 9PM and Sunday 1PM- 7PM if allowed; total employees 2 (Mr. Marji and wife will work).

Mr. Marji-Confirmed that hours and employee number is correct; Mr. Marji will operate first few years personally; but may need the help of one or two employees at some point.

Mr. Sabino- Asked what requirements are for employees of the Smoke Shop.

Mr. Marji- Stated he was not sure if State law of NJ is 18 or 21 to work but to purchase is it is 21. Qualifications to be able to work in store same as qualifications to work at a makeup counter at Sears. No need for special education except to check ID.

Mr. Sabino- Asked if anyone over 18 can work in the store.

Mr. Marji- Was not certain the age to work was 18 thought it is 21 now since NJ law has changed.

Mr. Sabino- Inquired about any certification to work in a Smoke Shop.

Mr. Marji- Reported that there are no state or county certifications and no special schooling.

Mr. Sabino- Asked if there are any tests to make sure employees understand the FDA statutes/regulation.

Mr. Marji- Stated there was not. This understanding is part of product knowledge.

Mr. Sabino-Asked about any requirements in his other Shop locations in other towns. Voiced concern about someone working in Smoke Shop without knowing risks/hazards about sale of item.

Mr. Marji-This is part of product knowledge and of selling something with age limit, employees instructed not to explain products before checking ID and at point of sale to check ID.

Mr. Sabino- Asked who does training of employees.

Mr. Marji- Stated his workers are all qualified and that he knows them personally; many are relatives.

Mr. Sears- Commented that Mr. Marji did not seem to know age of people coming in to store and the he should know the law of NJ. Asked if any workers would be under 21.

Mr. Marji- Stated no workers under 21.

Mr. Sears-Inquired if Mr. Marji knew the law on sales in NJ.

Mr. Marji- Stated that the law of purchase is 21 and employees all over 21.

Mr. Murphy-Asked for clarification that Mr. Marji and wife will run store but others will be working in the store at time as well.

Mr. Marji- Explained that when he opens any store he runs store first 6 months to a year and when he feels comfortable will bring new employees. He would notify Planning Board, if required, when employees are going to be hired.

Mr. Azzolina- Item #10 Operating Aspects of Business. Mr. Marji was asked to provide number of customers served on busiest days of the week. Days and hours when peak traffic is anticipated; what steps shall be taken to prohibit and discourage smoking and use of purchased products outside the premises.

Mr. Marji- Stated same requirements as liquor store. Store is strictly retail, no hanging out. Most customers' time frame in store is 5-10 minutes. Very low volume industry.

Mr. Sears- Asked what the approximate number of patrons based on past experience at other locations and which days are the busy days?

Mr. Marji-Between 15- 30 daily; could not predict busiest days as it is different for all locations.

Mr. Azzolina- Commented that most important part of #10 is what is going on outside the store and what level monitoring will Mr. Marji do.

Mr. Marji- Would act with whatever legal authority he had outside store and will monitor; but did not think he had legal authority outside store.

Mr. Lamatna- Clarified that people cannot smoke in the store but once they leave store they are allowed to smoke.

Mr. Sabino- Asked for clarification from shopping center owner and asked if he could testify as to what is in the tenant contract regarding this.

Mr. DiChiara (Property Owner) is sworn in.

Mr. DiChiara- Stated he has a "no loitering" policy; signs to this effect are in place. Does not have a loitering problem, but if a group of people were loitering he would ask them to break it up and leave.

Mr. Sears- Questioned how many customers need to come in to make store profitable as Mr. Marji had previously stated 15-30 were anticipated each day. He further inquired where customers are expected to come from with so many residents stating they will not go into the store.

Mr. Marji- Could not provide an expected number of customers as the store is not open yet.

Mr. Sears- Asked if a pre survey was done to see what type of flow would be coming into store.

Mr. Marji- Plan to open was based on street traffic. Cannot predict income today and would find that out when store opens; and stated there is a gamble on his part.

Mr. Sears- Inquired about the relationship between number of customers and his ability to pay rent.

Mr. Marji- Responded that his other stores could sustain the Washington Twp. store to build clientele if necessary.

Mr. Murphy- Summarized 15- 30 people anticipated per day, no smoking in store, or any usage of anything being sold in the store, no loitering outside store and steps will be taken to break up any loitering may occur.

Mr. Azzolina- #11- exterior signage & #12 ceiling signage.

Mr. Marji – Sign will say Cedar Smoke Shop and follow what other stores have in design; and ceiling sign will follow style of the other stores.

Mr. Azzolina- #13- Modifications limited to interior and final constructing plans must be submitted to the Constructing Code officer.

#14- Knox Box must be made available for Fire Department.

Mr. Marji- We will comply with requirements of #13 and #14.

Mr. Azzolina- Completed comments on Engineers Report.

Mr. Murphy- Asked Mr. Marji if he had any questions of Planning Board members.

Mr. Murphy- Introduced letter from Mr. DiChiara attesting to the fact that there will be no sale of marijuana in store at any point in time. This was added as evidence to testimony and added as Exhibit "A" dated April 26th.

MOTION TO OPEN PUBLIC PORTION

Mr. Murphy made motion to Open meeting to the Public for any question

Mr. Sears moved; Mr. Sabino seconded; motion carried

Ms. Beckmeyer (10 Parkway Court, Twp. of Washington NJ 07676) -Spoke as a resident; and as a member of the Board of Health. Provided her credentials in psychology and substance abuse counselor. Cited the numerous dangers of vaping and the severe health risks to children who vape. Reported that in her work with High School students she has confiscate Juuls, vape pens and other apparatus eventually used to smoke hashish oils and hemp oils in some form. All local schools have banned this apparatus on school grounds. Board of Health views reduction of accessibility to these apparatus as an answer to this health concern. Board of Health recommends banning Vape pens, Hooka and all other marijuana direvetives in town parks, Recreation areas and

playgrounds for anyone under 21. Also proposed a Resolution with a complete indoor policy in which vaping is banned from all bars/restaurants and places of employments and recommended that the Township take a proactive stance to adopt proactive policies going forward to ban dispensaries, Vape Shops and piercing/tattoo parlors.

Mr. Salvatore Princiotta Esq., attorney representing Mr. DiChiara, addressed the Board of Health representatives and the Planning Board. Stated he did not think the issues being considered by Planning Board should be the dangers of smoking and that the debate should not be the health risks of smoking. Stated that tobacco products are sold throughout the town already.

Mr. Murphy- Explained that during the public portion of the Planning Board meeting the public is permitted to speak on this topic. Further stated that the highlighted Ordinance refers to "health, safety and public nuisance" bans so the Planning Board does have a right to hear these issues.

Mr. Lamatina- Stated that Mr. Princiotta will have opportunity to address his concerns once the public has had opportunity to speak.

Ms. Muscella (4 Egg Corn Drive, Wayne NJ) – Health Officer for Washington Twp. Read a prepared letter dated May 23, 2018. Stated that the Advisory Board of Health voted unanimously that in light of the known and unknown danger of vaping; and increased access the youth would have to vaping, the Health Board was requesting that the Planning Board deny the Smoke Shop application; and should prohibit Smoke Shops in the Township. This letter has been endorsed by the members of the Board of Health. The letter was entered as Board of Health Exhibit "A"; copy of which to be sent to the applicant.

Richard Ruesga (98 Salem Road, Twp. of Washington NJ 07676)- Read a prepared statement stating that the fact that the Planning Board is considering allowing a Smoke Shop to open so close to our schools in "unconscionable". Addressed Planning Board and elected officials and asked how they created and environment where this is possible? Stated there are always groups of kids who frequent the strip mall; and consideration of this application is about "common sense" and our "moral obligation to protect our kids".

Travis Sample (10 Pascack Rd., Twp. of Washington NJ 07676)-Wanted to deliver a message that "there will not be Smoke Shop in the Township". Stated allowing this would create a negative established in town and will affect the lives of parents and children.

Warned Planning Board that they will drastically effect the children of this town if allowed; and stated that vaping is a gateway to heroin, cocaine etc. Urged Board to understand the young Township community and the susceptibility of the youth to what they see.

Karen Yates (563 Ridgewood Blvd. North, Twp. of Washington NJ 07676)- Addressed retailer density and proximity to the schools. Cited CDC studies on smoking. Noted the relationship between adolescent tobacco use, proximity of schools to vape shops; and the high number of retail stores in a given area that sell tobacco or tobacco related products. Currently have six (6) locations in town already that sell these products. An increase in tobacco retailers is associated with increased use of tobacco by youth. Stated that there is a proven correlation that "access equals use". Requested Planning Board does not permit increased retail density in the town center. Data suggests increase in retailers who sell tobacco will increase tobacco use and that this a negative impact on public health, safety and well-being of the township.

David Snyder (91 Windsor Circle, Twp. of Washington NJ 07676) Identified himself as a local real estate agent for 15 years. Has applauded recent improvements at town center. Concerned about the impact that Smoke Shop will have on the Township. Currently 6 stores in town selling tobacco and vape paraphernalia. Concerned about negative impact that Smoke Shop will have on parents who now patronize the town center; and the effect on property values of young parents. Question whether Smoke Shop will eventually be able to sell marijuana as marijuana laws change in N.J. going forward.

Gina Ruesga (98 Salem Rd., Twp. of Washington NJ 07676)-Stated the allure of vaping is taking hold of our youth because they believe it is not dangerous due to marketing of the products. Many kids are addicted to vaping and are being enticed with marketing. Warned that the flavored vaping liquids are being replaced with marijuana. Asked property owner to fill town center with stores that reflect the values of Washington Twp. families.

Katrina Cassidy (35 Eugene Court, Twp. of Washington NJ 07676)- Discussed tobacco industry marketing. In stores Point of Sale marketing is the primary source of marketing for tobacco industry. Given the proposed location of the Smoke Shop it would present a clear health risk to our community. Kids will be enticed to try smoking since store point of sale marketing is a major place where kids are lured into smoking. POS advertising in the store will increase new users of tobacco.

Alyson Ender (21 Johnson Place, Twp. of Washington NJ 07676) Stated that a small town shopping center within walking distance of 2 elementary schools, a high school and library is not ideal for the community. So many tweens and teens currently walk to town center but many parents will not allow if this Smoke Shop is permitted. Asked the Planning Board to listen to the concerns of the community.

Christian Sigly (297 South Chestnut St., Twp. of Washington NJ 07676)- As a martial arts teacher for 15 years has worked with many kids. Moved to town for safe streets for kids. Smoke Shop would not be a good thing for kids in town.

New to town but concerned he will have to move out if Smoke Shop is permitted to open.

Theresa Rodriguez (11 Hampshire Rd., Twp. of Washington NJ 07676)- Cited the numerous safety programs offered to parents and kids in the school and community. Questioned why Township is considering something that would be counterproductive to goals of all the safety programs being provided to kids. Cited all the the community working together to help keep town and kids safe.

Corinna Fox (28 Roberts Ct., Twp. of Washington NJ 07676) - Presented Planning Board with a petition with comments signed by 608 people.

Mr. Lamatina- Clarified the any comments on the Petition will be considered "hearsay" and instructed the Planning Board that comments on Petition are not admissible in the proceeding; further that these comments should not be read by Planning Board as part of their decision making process regarding the permissibility of the Smoke Shop. The petition was accepted as an Exhibit. Reminded Board that anything read by an individual on behalf of another is not admissible.

After stating that she was about to read comments on the petition from persons other than herself, Ms. Fox read some of the comiments on the Petition. All comments read were against a Smoke Shop in the Township.

Ms. Fox- Then read her own prepared statement. Noted that the Planning Board must consider the Ordinance regulating "business that may endanger the public health or safety; or constitute a public nuisance" when determining the request for a Smoke Shop. Ms. Fox discussed the ingredients found e-cigarettes and the health risks of these ingredients; as well as the addictive quality of e-cigarettes. Reported that her 13 year old daughter had been approached at a Starbucks in Westwood to try vaping. Also reported that High School students would not sign petition because they want the shop to open.

Mr. Lamatina- Inquired about the methods used to obtain signatures for the Petition; and asked if it was done online.

Ms. Fox- Confirmed that petition was done on-line and that she had not initiated or managed the petition personally.

Mr. Lamatina- Defined "hearsay" and instructed the Planning Board again that they are not to consider "hearsay" in their decision; but may consider their testimony that Ms. Fox gave the Board.

Bernadette Galli (862 Robinwood Rd., Twp. of Washington NJ 07676)- Is a parent of two teens and a healthcare provider. Concerned about teens who are attracted to vaping; and that vape supplies are being used to vape illegal

substances. Also concerned about re-selling of these products from older kids to younger kids and that this will require additional monitoring by the Township Police Dept.

Lisa Fox (379 Coolidge Ave., Twp. of Washington NJ 07676) Stated that typically kids moving to the middle school are permitted by parents to go to the strip mall; and parents equip them with many safety measures when doing so. She is personally very comfortable going to mall for all the services offered there but if vape shop is permitted families will be pushed away from mall.

Mr. Murphy requested a 5 minute break.

Returned at 9:29

Lt. Calamari (99 President Rd., Twp. of Washington NJ 07676)- Washington Twp. Police Department Lieutenant/Juvenile Officer/Alcohol Beverages Control Officer. Offered clarification on some of the comparisons being drawn between a tobacco retail license and liquor store licensed. Explained there are significant regulations on a liquor store and the licensing of such a store. The town issues license; and town council has jurisdiction of the license. He further explained the mandatory obligations the Township Police have in monitoring a retail liquor license prior to issuing any retail liquor license. This includes a background investigation of the tenant, including a criminal history by way of finger printing, and examination of tax returns. Additionally these licenses require exhaustive yearly evaluations and inspections and the license is subject to yearly renewal. Lt. Calamari felt that the only similarity between the issuance and monitoring of a tobacco license and liquor license is that both products are legally available only to over 21 year olds. There are no other similarities between the two types of licenses.

Regarding violations of any of the state and local laws, restrictions are enforceable and severe for retailers with a liquor license and carry potential criminal citations to the seller; and authority to suspend or revoke the license of the owner. Violations of tobacco retail permit license regulations are much less strict; and the only remedy available to the Police in the event of a violation would be a possible petty disorderly person's offense which carries minimal penalties. Lt. Calamari wanted the Planning Board to be fully aware of the difference between the two licenses. Lt. Calamari ended his testimony commenting that he was not comfortable as a parent with a shop that sells *exclusively* tobacco and tobacco related products; and that he felt these shops were significantly different than stores that sell similar items as a small portion of what they sell.

Lt. Calamari made himself available for any questions.

Lt. Skinner (303 Mountain Ave., Twp. of Washington NJ 07676) Washington Twp. Police Department Lieutenant - Stated that he believes a Smoke Shop will be detrimental to health of kids and stated that in his opinion the laws in NJ "fall short" in regulating stores that sell tobacco paraphernalia. Explained that it is illegal to possess drug paraphernalia, but cited examples where some items that are commonly used for illegal drug purposes, can be sold legally if they can be potentially used for a legal purpose. Pointed to sale of a pipe, which can be used to legally smoke tobacco and is therefore legal, but this same item is also commonly used to smoke illegal substances. Called attention to and showed the Planning Board the Smoke Shop's Facebook page which shows items for sale in Mr. Marji's other locations which can be sold for lawful purposed but which are also commonly used for illegal drug use.

Councilman Cumming- Questioned Lt. Calamari about the laws of the State of N.J. regarding tobacco and enforcement issues, and wondered if Lt. Calamari felt the laws seem to "fall short" with little ability to enforce and control; and if this would be an issue for law enforcement.

Lt. Calamari- Agreed that in his opinion, they did "fall short" compared to liquor store license laws.

Councilman Cumming- Asked Lt. Calamari to compare the enforcement of alcohol to tobacco license infractions.

Lt. Calamari- Stated that the number/volume of statutes for enforcement of underage possession is significantly lower for tobacco than for liquor. He stated that possession of tobacco by underage is difficult to prosecute compared to similar alcohol violations. Laws are significantly harsh for underage alcohol sales, while it is very difficult to prosecute under age tobacco sales.

Councilman Cumming- Inquired as to how police can prevent a 21 year old from selling to the younger underage kids.

Lt. Calamari- Stated can only stop this kind of activity if Police catch the transaction in the act. Reminded Board that you do have to be 21 to purchase products in the Smoke Shop, but there are currently no age requirements to enter the store. Additionally, the sale of some of the items in a Smoke Shop are not regulated at all by age. Lt. Calamari asked the Planning Board to consider Smoke Shop a health hazards to children.

Mr. Sabino- Inquired if, based on Lt. Calamari's experience in law enforcement, is he aware of situations where a Smoke Shop has been permitted in a community and crime of any sort has increased.

Lt. Calamari- Had no specific or direct statistics on this but did state that in his many discussions with his law enforcement colleges in other towns with smoke shops, the nature of the Police calls is significantly different than what the Township Police currently handle in town. Lt. Calamari stated he has

discussed with colleagues in other towns, an increase in Police related incidents where there are shops that exclusively sell tobacco/tobacco related products.

Mr. Sabino- Asked if, based on these statements, it would be accurate to conclude that a Smoke Shop in town may pose a safety issue in the Township.

Lt.Calamari- Agreed with that statement.

Councilman Cummings- Inquired whether the Township Police Department currently has enough personnel to properly supervise this potential situation.

Lt. Skinner- Assured the Board that the Township Police will handle whatever comes up in this town, but remains concerned that the presence of the Smoke Shop will drive up call volume in Department overall. He stated the Police will not be overwhelmed, nor will this require additional officers; but increased call volume at the strip mall will take officers away from their other daily safety duties. Additionally the Township Police will have to do random checks at the store.

Lt. Calamari- Added that the NJ State Board of Taxation's only inspections for tobacco licenses takes place randomly from July- September and is done at the State level. Further noted that the Taxation Board has not contacted Township Police Department in 12 years regarding these random inspections of tobacco sales. Oversight is largely left to the local Police who are not empowered to oversee a business such as a Smoke Shop.

Lt. Skinner- Assured Mr. Marji that he will not be charged with enforcing loitering laws outside of his store and would hope he would tell his patrons not to smoke outside the store; but that the Police would work with him to make sure no problems occur there. Township Police to do not expect a store owner to go more than 5 feet from the store to chase people away.

Mr. Murphy- Invited Mr. Marji to ask either Officer any questions.

Mr. Marji- had none.

Mr. Salvatore Princiotta Esq. (attorney representing Mr. DiChiara) - Introduced himself and commented that the Planning Board meeting should be about zoning and land use; and asserted that the proposed Smoke Shop is a "permitted use" by Zoning Ordinance and by the State of New Jersey.

Mr. Princiotta advised the Board that in the fall of 2017 N.J. raised the age requirement for purchase of tobacco products to 21 while the Township Ordinance age requirement is currently 19. He reiterated that the Smoke Shop is a "permitted use" and the owner of the property is entitled to use the property in the way he is proposing. Mr. Princiotta claimed that the Zoning Ordinance and the tenant's proposed use of the property are not in conflict as

the tenant's proposed retail use is not hazardous or a nuisance to the community.

Mr. Princiote asserted that the community has not been objecting to the tenant's use of the property for its designated retail sales, but rather complaining about the potential public use of the property outside of the proposed Smoke Shop. He suggested that the fear that is driving the discussion of underage use of products sold in the Smoke Shop is sheer speculation.

Mr. Princiote cited the three (3) locations in the Township that currently sell large quantities of the same items to be sold in the Smoke Shop; but these have not elicited complaints about loitering and smoking in parking lot. Additionally he stated that the township Police have assured the Board they will address any loitering issues; and Mr. DeChiara has testified he does not have a problem with loitering. Mr. Princiote asserted that health hazards of smoking are not what the Planning Board debate should be about; that the issue before the Planning Board is "land use" and what the rules permit. Stated that the Planning Board must decide if, under the laws of the Township, the proposed "use" is permitted. Mr. Princiote request that the Planning Board decide this case not based upon opinion but based upon rules and regulations of the Township and the State of N.J.

Mr. Sears- Responded to Mr. Princiote's assertions that this is not an issue about the sales of specific items in the Smoke Shop. Mr. Sears stated this is, in fact, an issue for the community and is about what is being sold in the store. Stated that numerous parents have voiced a clear displeasure with the Smoke Shop based on their concern for the health of the community. The Police have commented on possible criminal intent in the event the Smoke Shop is permitted.

Mr. Murphy announced that the Board would end further discussion at 11pm; and asked if anyone remained from the public with an opinion other than what has already been voiced by the community.

Mr. DiChiara- (285 Pascack Rd., Twp. of Washington NJ 07676) identified himself as the owner of property . Spoke about recent upgrades at the mall and claimed that he has had a good relationship with the township. Explained that he followed the Zoning Ordinance when he entered into discussions with Mr. Marji. Mr. DiChiara suggested that the Zoning Ordinance, as it stands now, is "too broad" and that there is currently nothing in the Ordinance that would disqualify the Smoke Shop. Asserted that it the responsibility of the Zoning Board to create an Ordinance that can be clearly understood; and defines which tenants are qualified to open in the Township.

Mr. DiChiara was concerned that the debate had been about the health risks of smoking. Suggested the Board consider changing the Ordinance; but felt that the process should not be based on public opinion. Stated that other locations

in the Township sell the same product proposed in the Smoke Shop. He reminded Board that he is governed by the Township Ordinance and any decision about the Smoke Shop should be made based on the Ordinance. Asked for clear guidelines to conduct his business from the Board; and a process that is reasonable to follow.

Mr. Sabino- Asked Mr. DiChiara if he had based his decision to consider the Smoke Shop on the Ordinance or on his moral/ethical values. Stated he would read the Ordinance as it is and would make a business decision vs. a moral decision.

Mr. DiChiara- Responded that he cannot afford for the Board to ignore the Ordinance, and that he believes the Board would be ignoring the Ordinance if they were to reject the proposed "use" He informed the Board he would appeal such a denial. Stated the Planning Board should not be "picking winners and losers". Again asked the Board to make the Ordinance clear to allow him to conduct business so he did not have the responsibility to make an ethical judgment about tenants. Mr. DiChiara stated he has spoken with Mayor Calamari and with Mr. Sears about clarifying and simplifying the Zoning Ordinance but this has not been done yet.

Mr. Sabino- stated he would interpret Ordinance as how it relates to the "spirit of the law", and would make a decision based on the "spirit of the law" and what is written in the Ordinance.

Mr. DiChiara- Questioned "what spirit of the law" are you refereeing to.

Mr. Sabino- Explained he was referring to the testimony with respect to the safety issues offered by the police in addition to the public nuisance of potential loitering.

Mr. DiChiara-Asked in Mr. Sabino if he will interpret a "spirit of the law" vs the law.

Mr. Sabino- Stated he would interpret the law it reference to safety.

Mr. DiChiara- Claimed that there is not spirit of the law.

Mr. Sabino- Voiced his concern about the endangerment to public safety.

Mr. DiChiara- Advised the Board that he is not able to run a business with the Board picking the "winners and losers" and would have to sue the Board if this application was denied.

Mr. Sabino- Stated that suing the Board would be detriment to the community.

Mr. DiChiara- Asked for clarification of Mr. Sabino's last comment.

Mr. Sabino- Retracted his statement.

Mr. Murphy- Concluded this discussion by asserting that the Board had heard testimony about the many improvements of the strip mall. Those have taken us in the right direction; but you are hearing questions the community has on this application.

Mr. DiChiara- Asked the Board if they understood the position the Board is putting him in if the application is denied. Stated if the Board had read the law they would have to approve the application.

Mr. Murphy- Assured Mr. DiChiara that the laws will not be ignored and the Board's decision will be based on the current law they have.

Mr. DiChiara- Stated he had had discussion with Mayor Calamari on how to make things better.

Mayor Calamari- Clarified that although he did agree with some of what Mr. DiChiara had said regarding discussion between the two of them, he did not recall any conversations about the Zoning Ordinance and "permitted use". Added that they had discussed streamlining the process.

Mr. DiChiara- Agreed with Mayor's recollection, and stated they did speak about the process and stream lining this.

Lorianne Roberts (704 Amherst Dr., Twp. of Washington NJ 07676)- Read an article printed in the Pascack Daily Voice on May 21st written by Police Officer Heather Castranova who gave her perspective on the dangers and the impact of a smoke shop being so close to schools.

Debbie Lacombe (165 Washington Ave., Twp. of Washington NJ 07676) Read an article dated May 26th 2108 regarding health hazards of vaping for children.

Gena DeVirgilioi (478 Jackson Ave., Twp. of Washington NJ 07676)-Voiced concern about the welfare of the Township community and stated how proud she was of the community. Asked how tenant would participate in town fundraisers.

Mr. Murphy- Asked if all had spoken from the public.

MOTION TO CLOSE THE OPEN SESSION.

Mr. Sears moved; Mr. Sabino seconded; motion carried

Mr. Marji was given the opportunity to address comments made by the public.

Mr. Marji- Stated he too lives in the Township and has children and would be careful not to sell to minors as he is aware this would cause him to lose his license and would protect the town residents.

Mr. Lamantina- Asked Mr. Marji if he had any further witnesses.

Mr. Marji- No witnesses at this time.

Mr. Murphy- Asked if there were any remaining questions or comments from Planning Board.

Mr. Murphy- There were no further questions, requested a motion to accept or deny this application.

Motion to deny by Mr. Sabino, seconded by Mr. Sears; all ayes

Mr. Golick is absent

Motion passed 7-0 with one absent.

Motion to close the meeting

Mr. Sears moved; Mr. Sabino seconded; motion carried

MOTION TO CLOSE THE MEETING

Mr. Sears moved; Mr. Sabino seconded; motion carried

Motion passed 7-0 with one absent.

ADJOURNMENT

