

TOWNSHIP OF WASHINGTON
Planning Board

Resolution

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:

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.

The Board has also considered the testimony of the Applicant's representative, Eddie Marji on two (2) hearing dates of April 25, 2018 and May 30, 2018, as well as the testimony of numerous witnesses who objected to the proposed use and who provided information as to the detriments of vaping, including Judith Beckmeyer, a representative from the Township's Board of Health and its Health Officer Angela Musella, who presented a letter from the Board dated May 30, 2018 which was marked into evidence as Exhibit "A". With that testimony and letter, the Board of Health offered its opinion that the proposed use would endanger the public health or safety.

In addition, two (2) member of the Township's Police Department testified, Lt. John Calamari and Lt. Rich Skinner, both of which felt that the proposed use was detrimental to the health and safety of the Township's children. They noted that the types of merchandise that the applicant proposed to be sold are more commonly used to take drugs, which is clearly a health hazzard.

The attorney for the owner of the Washington Town Center, Sal Principato, Esq. and a representative of the company, Alex Chira provided testimony in support of the application, stating that the proposed retail use was permitted by ordinance.

At the close of the public comment period, the applicant was asked if he wanted to say anything else, and was given the opportunity to ask for an adjournment of the hearing and to hire

an attorney. He declined and made a brief closing statement, which did not address the testimony of the Board of Health's representatives or the Police Department opining that the proposed use did endanger the public health or safety.

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 regulated 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.

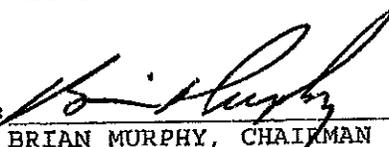
4. The Applicant's proposed use of the premises does endanger the public health or safety.

NOW, THEREFORE, the Township of Washington Planning Board hereby denies the application of the applicant as submitted by a unanimous vote of 7-0. 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.

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: June 27, 2018

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 June 27, 2018.

MOTION		SECOND	VOTES	AYES	NAYES	ABSTAIN	ABSENT
Murphy		Murphy	Murphy	X			
Golick		Golick	Golick				X
Pinnick		Pinnick	Pinnick				X
Sabino		Sabino	Sabino				X
Sears		Sears	X Sears	X			
Vinagre		Vinagre	Vinagre	X			
Mayor Calamari	X	Mayor Calamari	Mayor Calamari	X			
Councilman Cumming		Councilman Cumming	Councilman Cumming	X			