

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, AUGUST 28, 2023

7:00 P.M.

SALUTE TO THE FLAG

MOMENT OF SILENCE

STATEMENT OF PUBLIC NOTICE - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JANUARY 5, 2023. A COPY OF THE NOTICE WAS MAILED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING VIRTUALLY CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT WWW.LENJ.COM. ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.

ROLL CALL

MINUTES

APPROVAL OF MINUTES FROM THE REGULAR MEETING OF JULY 24, 2023
AND THE WORKSHOP MEETING OF AUGUST 14, 2023

MAYOR'S REPORT

PROCLAMATION RECOGNIZING LIAM MARQUEZ

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

ATTORNEY'S REPORT

PUBLIC COMMENT - AGENDA ITEMS ONLY

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. IT IS PREFERRED IF YOU GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

CONSENT AGENDA

ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED WITH A SINGLE MOTION. FOR ANY ITEMS UNDER REQUISITIONS THE TREASURER HAS SUPPLIED A CERTIFICATION OF THE AVAILABILITY OF FUNDS.

REPORTS

MUNICIPAL CLERK'S REPORT FOR THE MONTH OF JULY 2023

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF JULY 2023

TAX COLLECTOR'S REPORT FOR THE MONTH OF JULY 2023

RECREATION CENTER REPORT FOR THE MONTH OF JULY 2023

CIVIC CENTER REPORT FOR THE MONTH OF JULY 2023

POLICE DEPARTMENT REPORT FOR THE MONTH OF JULY 2023

CONSTRUCTION REPORT FOR THE MONTH OF JULY 2023

FINANCE DEPARTMENT REPORT FOR THE MONTH OF JULY 2023

APPLICATIONS

RAFFLE, PVRHS FOOTBALL CHEER PARENTS ASSOCIATION, OFF-PREMISE 50/50, 11/19/23, 12:00 P.M. - 1:00 P.M., 100 EAST MAIN STREET, LITTLE FALLS

NJ STATE FIREMEN'S ASSOCIATION, STEVEN MEDINA, LITTLE FALLS FIRE DEPARTMENT

NJ STATE FIREMEN'S ASSOCIATION, DAVID SCHMESTZ, LITTLE FALLS FIRE DEPARTMENT

RESOLUTIONS

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$2,034.68 REPRESENTING TAX REFUND ON THE PROPERTY KNOWN AS BLOCK 88.05, LOT 1, QUALIFIER C208 DUE TO OVERPAYMENT [A]

RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 405 MAIN STREET, UNIT 144, LITTLE FALLS, NJ [B]

RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 405 MAIN STREET, UNIT 344, LITTLE FALLS, NJ [C]

RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 405 MAIN STREET, UNIT 315, LITTLE FALLS, NJ [D]

RESOLUTION AUTHORIZING ENTERING INTO SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LITTLE FALLS AND THE LITTLE FALLS BOARD OF EDUCATION [E]

BILL LIST [F]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1467, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 136, NOISE".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1468, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS, ADMINISTRATION OF GOVERNMENT SECTION 33, CANNABIS".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1469, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 280, ENTITLED, "ZONING"".

PUBLIC COMMENT – GENERAL MATTERS

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. IT IS PREFERRED IF YOU GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

ADJOURN

RESOLUTION [A] 23-08-28 # _____

WHEREAS, the following property in the Township of Little Falls, New Jersey has overpaid real estate taxes; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amount overpaid listed below;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed tax refund be made by the Township Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2023/3	88.05/1 C208	Colasanti to Shapiro 300 Main St, Unit 208	A Absolute Escrow Settlement Co, Inc PO Box 769 Millburn NJ 07041	OP	\$2,034.68
Total Refund					\$2,034.68

APPROVED: _____

cc: Finance Dept
Tax Collector

RESOLUTION [B] 23-08-28 - #_____

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN
AFFORDABLE HOUSING UNIT LOCATED 405 MAIN ST, UNIT 144 , LITTLE FALLS, NJ 07424**

WHEREAS, Imani Smith [will rent/rents] property located at 405 Main St, Unit 144, Little Falls, NJ 07424, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

WHEREAS, the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

WHEREAS, the Township is willing to extend a grant to the tenant in the amount of \$1,142.00.

NOW THEREFORE BE IT RESOLVED on this 28th day of August, 2023, by the Township Council of Little Falls, County of Passaic, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit at 405 Main St, Unit 144, Little Falls, NJ 07424.

CERTIFICATION

I, Cynthia Kraus, Clerk of the Township of Little Falls, certify that the foregoing resolution was adopted by the Township Council of the Township of Little Falls at its meeting held on the 28th day of August, 2023.

Cynthia Kraus, Clerk

RESOLUTION [C] 23-08-28 - # _____

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN
AFFORDABLE HOUSING UNIT LOCATED 405 MAIN ST, UNIT 344 , LITTLE FALLS, NJ 07424**

WHEREAS, Soon R Jang [will rent/rents] property located at 405 Main St, Unit 344, Little Falls, NJ 07424, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

WHEREAS, the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

WHEREAS, the Township is willing to extend a grant to the tenant in the amount of \$578.00.

NOW THEREFORE BE IT RESOLVED on this 28TH day of August, 2023, by the Township Council of Little Falls, County of Passaic, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit at 405 Main St, Unit 344, Little Falls, NJ 07424.
- 2.

CERTIFICATION

I, Cynthia Kraus, Clerk of the Township of Little Falls, certify that the foregoing resolution was adopted by the Township Council of the Township of Little Falls at its meeting held on the 28th day of August, 2023.

Cynthia Kraus, Clerk

RESOLUTION [D] 23-08-28 - # _____

**RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN
AFFORDABLE HOUSING UNIT LOCATED 405 MAIN ST, UNIT 315 , LITTLE FALLS, NJ 07424**

WHEREAS, Margarietta A Byfield [will rent/rents] property located at 405 Main St, Unit 315, Little Falls, NJ 07424, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

WHEREAS, the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

WHEREAS, the Township is willing to extend a grant to the tenant in the amount of \$1,358.00.

NOW THEREFORE BE IT RESOLVED on this 28th day of August, 2023, by the Township Council of Little Falls, County of Passaic, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit at 405 Main St, Unit 315, Little Falls, NJ 07424.

CERTIFICATION

I, Cynthia Kraus, Clerk of the Township of Little Falls, certify that the foregoing resolution was adopted by the Township Council of the Township of Little Falls at its meeting held on the 28th day of August, 2023.

Cynthia Kraus, Clerk

TOWNSHIP OF LITTLE FALLS
STATE OF NEW JERSEY

RESOLUTION [E] 23-08-23 - #_____

RESOLUTION AUTHORIZING ENTERING INTO SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP
OF LITTLE FALLS AND THE BOARD OF EDUCATION OF THE TOWNSHIP OF LITTLE FALLS

WHEREAS, the Governor of the State of New Jersey has encouraged municipalities to enter into a shared service agreement in order to be more efficient and realize greater financial savings; and

WHEREAS, NJSA 40A:65-1 *et seq.*, the Uniform Shared Services and Consolidation Act encourages government efficiency through shared services, regionalization, or consolidation; and

WHEREAS, the Township of Little Falls ("Township") and the Little Falls Board of Education ("Board") are aware that protecting our most vulnerable citizens, our children, during a time and place where they should feel more secure, is paramount. With community support and cooperation, the Township and the Board intend to make the public schools in the Township a safe and secure environment for all students, teachers, administrators, parents, and permitted visitors; and

WHEREAS, the Township, through its Police Department, has employed one (1) police officer to serve primarily in the capacity of a Class III Police Officer whose primary duty is to patrol the schools operated by the Board; and

WHEREAS, the Township, through the Little Falls Police Department, has established a Law Enforcement authority within the Township school facilities; and

WHEREAS, in exchange for the Township providing the services of Class III Police Officer to the Board, the Board will agree to contribute one half the cost not to exceed \$35,000 per year per officer; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Little Falls hereby authorizes the entering into a Shared Services Agreement with the Board of Education of the Township of Little Falls, which form of agreement is attached hereto, made a part hereof and incorporated herein by reference, and

BE IT FURTHER RESOLVED, that the Mayor shall be and is hereby authorized to execute the aforesaid Agreement upon the terms and conditions stated therein.

APPROVED: _____

cc: Finance Department; Administration; Payroll Dept. LFPD; LF Board of Education

ORDINANCE NO. 1467

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 136 NOISE

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provides for noise issues in the Township;

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 136 of the Code entitled Noise; and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code as follows:

Noise Regulations:

136.8 Restricted uses and activities

C. In all Residential Zones (R-1A, R-1B, R-1C, R-2, R-3, and R-3A) in the Township of Little Falls: All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device if possible.

C-1. In all Commercial Zones (MDR, B-1, B-2,B-3,B-4,I, LICU,M.P.,MFS and Transit Village Districts) in the Township of Little Falls: All Construction, excavation, erection, alteration, repairing, demolition activity, or landscaping, excluding emergency work as decided by the Township Administrator or Construction Official, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays and Federal Holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler at all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities. Sunday work is prohibited, except for the general repair or maintenance of the property by the owner. No contractor work is permitted.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 136 Noise Regulations of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 136 Noise Regulations of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the

Municipal Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Damiano, Mayor

ORDINANCE NO. 1468

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS, ADMINISTRATION OF GOVERNMENT SECTION 33 CANNABIS

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provides for the establishment of regulating Cannabis; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend § 33-4, Local licensing application and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code to read as follows:

33-3. Local licensing authority.

- A. A local license shall be required to operate a cannabis establishment, as defined in the Act and as allowed by ordinance, in the Township. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all cannabis establishments.
- B. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a cannabis establishment if the permitting authority has not issued the appropriate conditional or final state license. It is the intent of this chapter that no cannabis establishment may lawfully operate in the Township absent the issuance of the appropriate state license and full regulatory oversight of the cannabis establishment by the permitting authority as well as that of the Township.
- C. The Township Clerk shall receive all applications for local licensing of a cannabis establishment. Said License application shall be reviewed by the Township Administrator and deemed complete before the applicant may apply for the appropriate zoning approval from the Township Land Use Board with jurisdiction over the application and a certificate of zoning compliance has been issued by the Zoning Officer.

§ 33-4 Local licensing application.

A.

Persons wishing to obtain a local license for a cannabis establishment shall file a license application with the Township Clerk, on a standardized form established by the Business Administrator and available in the Clerk's office and on the Township's website.

B.

An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

(1)

The applicant shall submit proof of licensure by the permitting authority.

(2)

The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.

(3)

The location proposed for licensing by the applicant shall comply with all applicable Township zoning laws and the location restrictions set forth herein.

(4)

The applicant shall submit an application fee of \$1,000 for a license. The amount of the nonrefundable application fee may be modified from time to time by subsequent duly adopted resolution of the Township Council.

(5)

Each subsequent year, the applicant will be required to recertify the qualifications to remain as a valid cannabis establishment under the laws of the state and the ordinances of the Township. The renewal application form will be prepared by the Business Administrator and available through the Township Clerk's office. The fee for the renewal application shall be \$5,000 annually.

(6)

The applicant and the contents of the application shall otherwise comply with any and all qualification standards set forth in the state and local laws, regulations, or requirements.

C.

The license as issued by the Township shall serve as written proof of the suitability of the cannabis establishment location from the Township. Other written statements, letters, resolutions, or other documents issued by the Township or any official, employee, or other representative shall not constitute annual or renewed "written, municipal approval" for purposed of the Act.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 33-3 and 33-4 of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 33 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect upon its final passage by the Municipal Council,

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1469

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW
JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 280
ENTITLED ZONING**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provide for the regulation of development throughout the Township; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 280 Article XI Business B-2 District, Section 280-81 Conditional Uses as follows;

Conditional uses in the Business **B-2 District** are as set forth in the Schedule of Use, Area and Bulk Regulations included at the end of this chapter, with the following conditions:

In the **B-2 District**, new car establishments and establishments duly licensed by the State of New Jersey as follows:

[Amended 7-26-2021 by Ord. No. 1415]

(1)

Class 1 Cannabis Grower License – grows, cultivates, or produces cannabis in this state, and sells, and may transport, this cannabis to other cannabis growers, cannabis processors, cannabis wholesalers, or cannabis retailers, but not to consumers. A cannabis grower may also be referred to as a “cannabis cultivation facility.”

(2)

Class 2 Cannabis Processor License – processes cannabis items in this state by purchasing or otherwise obtaining cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis processors, cannabis wholesalers, or cannabis retailers, but not to consumers. A cannabis processor may also be referred to as a “cannabis product manufacturing facility.”

(3)

Class 3 Cannabis Wholesaler License – purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer either to another cannabis wholesaler or to a cannabis retailer, but not to consumers.

(4)

Class 4 Cannabis Distributor License – transports cannabis items in bulk intrastate, from one licensed cannabis establishment to another licensed cannabis establishment and may engage in the temporary storage of cannabis items as necessary to carry out transportation activities, but not to consumers.

(5)

Class 6 Cannabis Delivery License – provides courier services for a cannabis retailer in order to make deliveries of cannabis items and related supplies to a consumer.

(6)

~~Class 5 Cannabis Retailer License are specifically prohibited in the **B-2 District**.~~ ***Class 5 Cannabis Retailer License*** – purchases or otherwise obtains cannabis from cannabis growers and cannabis items from cannabis processors or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.

These uses are permitted as a conditional use subject to the approval by the Planning Board of a conditional use application and subject to the regulations included in the Schedule of Use, Area and Bulk Regulations included at the end of this chapter and the following conditions and limitations:

(a)

All of the area of the minimum front setback shall be landscaped, except that a five-foot area immediately in front of the building shall be permitted and except that exit and entry points for driveways shall be permitted.

(b)

There shall be no exterior display of cars for sale, except on that portion of the lot which is to the rear of the rear building line. In any area in which cars are displayed for sale, there will be a six-foot-high wall or fence, which is visually impervious, which shall be placed on the property line.

(c)

There will be no exterior amplification of sound anywhere on the site.

(d)

There will be no exterior display of flags, pennants or banners anywhere on the site, except for one American flag.

(e) Parking will be permitted in the rear yard, but not closer than five feet to the property line. Similarly, parking will be permitted in the side yards, but only that portion of the side yards which are interior to a projection of the rear building line. However, the parking shall not be closer than within five feet of the property line. The five-foot area in which no parking is permitted will be landscaped. No parking shall be permitted in any portion of the front yard.

(f)

There will be no loading or unloading of automobiles from the highway.

(g)

As an incident to and subordinate to the new car sales, the sale of used cars will be permitted, as well as servicing also incident to and subordinate to the new car sales establishment.

(h)

There shall be one parking space for every 350 square feet of interior building area.

(i)

All of the provisions of the **B-2 District** which are not in conflict with the within provisions shall be applicable to new car establishments and establishments duly licensed by the State of New Jersey for Cannabis as defined above and its related items in any form in compliance with New Jersey Statutes and regulations.

(j)

The provisions of Chapter **227**, Subdivision of Land, and Chapter **218**, Stormwater Management, shall be applicable to new car establishments and establishments duly licensed by the State of New Jersey for Cannabis as defined above and its related items in any form in compliance with New Jersey Statutes and regulations as shall all other ordinances of the Township not otherwise inconsistent with the conditional use provision of this subsection.

(k)

On-site lights will be reflected downwards and away from residential areas.

(l)

There shall be no exterior display of cannabis, marijuana, weed or pot in any form or signage which can be viewed either on the exterior of the building or through the windows of the building. On that portion of the lot which is to the rear of the rear building line there will be a six-foot-high fence erected which will be visually no less than 50% clear, which shall be placed on the property line.

(m)

All deliveries related to cannabis and related products will be made through the rear entrance of the building.

(n)

For businesses establishments duly licensed by the State of New Jersey for cannabis as defined above there shall be one parking space for every 100 square feet of interior building area.

(o)

For businesses establishments duly licensed by the State of New Jersey for cannabis as defined above it is required to install special electrostatic devices which will be designed to eliminate fumes from this product leaking into the atmosphere outside the building.

(p)

In all Zones in the Township, consumption of cannabis in any form and smoking of cannabis and use of its related items is strictly prohibited indoors and outdoors on public property. The operation of a café for the purpose of consuming cannabis and its related products in any form in compliance with New Jersey Statutes and regulations is prohibited.

(q)

Within the **B-2 District**, no establishments duly licensed by the State of New Jersey for cannabis as defined above shall be located closer than 500 feet from a similar establishment. Additionally, no establishments duly licensed by the State of New Jersey for cannabis as defined above shall be located closer than 1,000 feet from any school building.

(r)

~~The Class 5 Cannabis Retailer License are specifically prohibited in the~~ **B-2 District**.

1. This ordinance shall be sent to the Planning Board for their review and comments prior to the final adoption by the Governing Body.
2. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
3. This Ordinance shall take effect upon its final passage by the Municipal Council, and approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor