

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, June 16, 2020 at 7:30 p.m., via teleconference.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco, Mayor White and Mr. Cook - PRESENT
Mr. Hickey, Mr. Mazzone and Mr. Camporeale - ABSENT
Also present were Stephen Pellino, Board attorney, Chris Briglia, Board engineer and Gary Paparozzi, Board planner.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. NEW BUSINESS

Review and Recommendation – Ordinance #1684-20

(7:34-7:36 - Call dropped. All members called in again and a second roll call confirmed the same attendance as the first roll call.)

Mr. Pellino – At the board's April meeting, we reviewed another version of a similar ordinance. One that was designed to regulate vape shops. One of the recommendations we made was that the Mayor and Council consider making this a conditional use in certain sections of the town. The Township planner was brought in to review this. We now have an ordinance that would limit vape shops to the Adult Business Zone (to be renamed Adult Business and Vape Shop Overlay District) and makes vape shops a conditional use. That means that even in this zone, you cannot have a vape shop unless you meet certain conditions. Article 1.F.A.1.a. of proposed ordinance states "No vape shop shall be located within one thousand (1,000) feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):

- i. Public or private early childhood, elementary, middle or high school;
- ii. Park;
- iii. Public playground;
- iv. Recreation (Use), Outdoor;
- v. Community center;
- vi. Daycare center;
- vii. Athletic facility, indoor and outdoor.

Article 1.F.A.2. stated "No vape shop shall be located within six hundred (600) feet of a site occupied by another vape shop." "The hours of operation would be limited to 6:00 a.m. to 10:00 p.m." Council followed the suggestions of the Planning Board. The Planning Board must determine whether or not it is consistent with the Master Plan and make any recommendations they may have to the mayor and Council.

Mr. Paparozzi – Under section 'a' municipal owned buildings should be included. Also, we should come up with bulk requirements for the zone, such as the size of the sign, no sampling/smoking in store and limit it to the first floor. Also, codification should be updated to help the Zoning Officer to include, for example, a Hospital Zone with bulk requirements. This could be done when the Master Plan is updated. The hospital is in violation of the Master Plan. I don't see the AB zone on the zoning map. I don't know that the "600 feet" works. It should be spelled out. You want to make things as clear as possible, so you can defend yourself.

Mr. Pellino – I presume the Township planner has done her job. Also Article VB does have some bulk requirements.

Mayor White – Mayor and Council have spoken about both the Master plan and codification. Those are good suggestions.

Mr. Ambrogio – There are bulk requirements (section 9.38) in the AB zone, but we could add requirements, specifically geared toward vape shops. As a conditional use, they will have to come before the Planning Board. We could put restrictions on them.

Mr. Paparozzi – The ordinance has to spell it to avoid lawsuits. Is the AB Zone over 600 feet long?

Mr. Pellino – You can recommend Council adopts specific bulk regulations.

Mr. Ambrogio – The AB zone is in Zuckerberg's Industrial Park, which is longer than 600 feet.

Mr. Paparozzi – I read something about the Route 46 corridor?

Mr. Pellino – That was the original version of the ordinance.

Mr. Ambrogio – I think we should specify vape shop requirements. It would help with enforcement.

Mayor White – Council was very receptive to the Planning Board's recommendations.

Mr. Pellino – The Township attorney mentioned Council wanted to get this done quickly to reduce proliferation of these shops. The Council can enact the ordinance as written to put something in place and later go back and supplement/amend it. We only have 35 days to respond. I suggest the Planning Board has me write a letter to the Mayor and Council and include recommendations. The way I understand it is you want to suggest they include bulk requirements, specific to vape shops and to limit the location by proximity to a public building.

Mr. Compitello – What's involved in changing the ordinance?

Mr. Pellino – Once introduced, if the Mayor and Council wants to make substantial changes, they would have to start over again. It would set the process back a bit.

Mr. Maniscalco – Can we put it through and then go back to make changes?

Mr. Pellino – We don't make changes. I suggest you make the suggestions: 1.) Bulk regulations and 2.) limit vape shop distance to public buildings, but at the same time, indicate that they can adopt the ordinance, as written and then add these amendments later, if they want to.

Ms. Kapner – Do we want to regulate signs?

Mayor White – Yes. The signs are the cause of a lot of aggravation. These places have bells and whistles to attract kids.

Mr. Pellino – We suggest that can add specific bulk requirements as to the signage.

Councilman Gierek – Do we have sign regulations in the AB zone?

Mr. Ambrogio – Yes. It says "Business signage shall be limited to wall-mounted signs mounted on the ground story front facade of the portion of the building enclosing the establishment and shall not exceed in area more than 10% of the first story wall area enclosing the establishment. In no case shall the total area of such signage exceed 40 square feet. Such signage shall comply with all other requirements of Article XIII." They shouldn't be able to have neon or flashing window signs. It would be prudent to get this ordinance on the books a.s.a.p.

Mr. Pellino – To restate the intention of the Board, I will write a letter as the Board's report concerning this ordinance, making suggestions to the Mayor and Council: 1.) adopt more specific bulk requirements designed for vape shops, including, but not limited to signage; 2.) recommend some limitation on the proximity of vape shops to public buildings; and 3.) suggest they could adopt the ordinance, as written and implement these suggestions at a later time.

Mr. Compitello made a motion; seconded by Mr. Ambrogio to have Mr. Pellino send the letter/report to the Mayor and Council.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Councilman Gierek, Mr. Verile, Mr. Maniscalco and Mayor White - YES

5. MINUTES

Mr. Compitello made a motion; seconded by Councilman Gieriek to adopt the minutes of the April 21, 2020 meeting.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Councilman Gieriek, Mr. Verile, Mr. Maniscalco and Mayor White – YES

6. COMMUNICATIONS

Mr. Compitello made a motion; seconded by Councilman Gieriek to read and file the communications. VOTE: All in Favor – YES

7. VOUCHERS

Mr. Compitello made a motion; seconded by Councilman Gieriek to pay the following vouchers, provided funds are available:

Basile Birchwale & Pellino, LLP, 04/20/20, 1st Quarter Attorney Fees, \$607.75

Carroll Engineering, 05/28/20, Planning Board Services, \$223.50

Return Unused Escrow, 06/16/20, Saddle Brook Mayhill Associates, \$403

8. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Compitello a motion; seconded by Councilman Gieriek to open the meeting to the public. All in Favor - YES

No public participation.

Mr. Compitello made a motion; seconded by Councilman Gieriek to close the meeting to the public. All in Favor - YES

9. MISCELLANEOUS

Ms. Kapner – We have an application for the July meeting. Would the Board like to hear it via teleconference?

Mayor White – We will have a regular meeting probably. The governor is allowing it. Council is holding their meeting at The Senior Center. See if that is available for the July meeting.

10. ADJOURN

Councilman Gieriek made a motion; seconded by Mr. Compitello to adjourn the meeting. All in Favor - YES

Meeting adjourned 8:25 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary