
AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

**September 20, 2022
7:00 PM**

STATEMENT OF ADEQUATE NOTICE

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times and Star Ledger and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

FLAG SALUTE

ROLL CALL Conry, Cox, Heinrich, Noone, Norris and Ron

FILLING OF VACANCY

Vote on filling vacancy on Council

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests

Introduction of Washington Borough Fire Chief Josh Devoe with the swearing in of Captain Charles McDade

Presentation

Jasvinder Arjani, R.A. LEED AP

Project Manager

Description: request to amend the redevelopment plan to add gas stations as a permitted or conditional use-143-153 Washington Avenue(old Lukoil site)

Agenda-Continued

NEW BUSINESS

OLD BUSINESS

ORDINANCES 2nd Reading

ORDINANCE 2022-09-CANNABIS

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS ESTABLISHMENTS OF THE BOROUGH CODE

ORDINANCE NO. 2022-10

AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT PLAN OF THE BOROUGH OF WASHINGTON

RESOLUTIONS

RESOLUTION 2022-106

APPROVING SHARED SERVICE CONTRACT FOR MUNICIPAL COURT SERVICES
JANUARY-2023-DECEMBER 2025

RESOLUTION 2022-111

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2022-112

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2022-116

RESOLUTION IMPOSING A HALLOWEEN CURFEW
AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT
WITHIN THE BOROUGH OF WASHINGTON

RESOLUTION 2022-118

AMENDING
RESOLUTION 2022-115
RESOLUTION TO APPOINT MATTHEW MOENCH AS MUNICIPAL PROSECUTOR FOR THE BOROUGH
OF WASHINGTON

RESOLUTION 2022-119

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS

RESOLUTION 2022-120

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS

DRAFT-SUBJECT TO CHANGE

VOUCHERS

REPORTS

RECAP

COUNCIL REMARKS

Remarks, Reports, Discussions

EXECUTIVE SESSION-if needed

ADJOURNMENT _____ P.M.

**BOROUGH OF WASHINGTON
COUNTY OF WARREN, NEW JERSEY
ORDINANCE 2022-09**

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS ESTABLISHMENTS OF THE BOROUGH CODE

WHEREAS, the Borough Council permitted cannabis operations via Ordinance 2021-07; and

WHEREAS, in reviewing Ordinance 2021-07, the Borough Council realized that the setback requirements from school, religious, and residential uses were too stringent and effectively prohibit cannabis cultivators, manufacturers, wholesalers, and distributors from locating within the Borough; and

WHEREAS, after consultation with the Borough Planner, the Borough Council wishes to amend the standards associated with Cannabis establishments; and

NOW, THEREFORE, BE IT ORDAINED, by the Deputy Mayor and Council of the Borough of Washington, County of Warren, that the Code of the Borough of Washington be amended as follows:

SECTION 1. Section 94-5 of the Borough Code entitled “Definitions” is amended to add the following definition:

CANNABIS VERTICAL INTEGRATION

The co-location or combination of the following activities related to the production of usable cannabis products within a single corporate entity: cannabis cultivators and manufacturers or cannabis retailers and cannabis delivery services.

SECTION 2. Section 94-83 of the Borough Code entitled, “Industrial District”, subsection C entitled “Conditional Uses” is hereby amended as follows:

C. Conditional Uses

- (1) **Cannabis Cultivators.** Cannabis Cultivators are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (2) **Cannabis Manufacturers.** Cannabis Manufacturers are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (3) **Cannabis Wholesalers.** Cannabis Wholesalers are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (4) **Cannabis Distributors.** Cannabis Distributors are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (5) Cannabis Vertical Integration of cannabis cultivation and manufacturing subject to meeting the conditional use criteria set forth in §94-86.3 and is in full compliance with the requirements of the Act.

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SECTION 3. Section 94-86.3 of the Borough Code entitled, “Conditional Uses, Cannabis Establishments” is hereby repealed in its entirety and replaced with the following:

§94-86.3 Conditional Uses, Cannabis Establishments

- A. **Cannabis Establishments as Conditional Uses.** Cannabis Establishments shall be prohibited in all zoning districts within the Borough unless specifically permitted herein. Cannabis Establishments as set forth below shall be permitted as conditional uses in certain zones. The purpose of this section is to set forth the requirements and procedures applicable to permitting certain Cannabis Establishments as conditional uses, in accordance with N.J.S.A. 40:55D-67. Such uses may be permitted when authorized as a conditional use by the Land Use Board, including site plan approval and (if necessary) a conditional use variance approval pursuant to N.J.S.A. 40:55D-70(d)(3). Cannabis Establishments shall comply with additional requirements set forth in Section 94-86.3(H). Nothing herein shall prohibit the Borough from adopting a redevelopment plan permitting any type of Cannabis Establishment in a designated redevelopment area.
- B. **Standards Associated with Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, and Cannabis Distributors.** The following standards shall apply to Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors.
- (1) Proof that the operator maintains all valid State of New Jersey licenses and approvals, and that all such licenses and/or approvals remain in good standing pursuant to the CREAMMA.
 - (2) Site Plan Approval and Conditional Use Approval by the Land Use Board, with notice of any public hearing provided in accordance with N.J.S.A. 40:55D-12. The application for site plan approval shall include a traffic impact assessment prepared by a New Jersey licensed professional engineer having appropriate experience and education. The traffic impact assessment shall provide a description of the impact and effect of the proposed Cannabis Manufacturer upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
 - (a) Existing conditions in the vicinity of the proposed project including: the roadway network, representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months), traffic accident statistics, availability of public transportation, level of service of adjacent roadways.
 - (b) Traffic generated by the proposed development including trip generation, trip distribution, modal split, level of service under proposed conditions.
 - (c) Traffic impacts caused by the proposed development.
 - (d) Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
 - (e) Any other information requested by the Land Use Board reasonably required to make an informed assessment of potential traffic impacts.

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- (3) In compliance with Section 37(b) of the NJ CREAMMA, Cannabis Facilities are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).
- (4) **Location of Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors.**
- (a) Compliance with the height, setback and other applicable requirements of the I Industrial zone district unless adjacent to residential properties or zones.
 - (b) When adjacent to a residential property or zone, a 50-foot-wide landscaped buffer consisting of both deciduous and evergreen trees and shrubs shall be installed along the property line(s) adjacent to residential uses or zones. It is strongly recommended that existing vegetation be enhanced where feasible. A solid fence not to exceed 6-feet in height may be incorporated into the buffer, provided the fence is located interior to the required buffer. In no event shall any site improvement, with the exception of an access driveway, be located within the required buffer.
 - (c) For properties in Industrial Zones that do not have direct access to Route 31, the following shall be required:
 - [1] In order to mitigate the impact of vehicles on local roads servicing established residential neighborhoods, no more than six (6) commercial vehicle trips shall be permitted daily.
 - [2] Commercial vehicles shall be limited to cargo vans and box trucks that shall not exceed the dimensions of 8 feet in width by 24 feet in length. In no event shall tractor trailers be permitted to access the facility.
 - [3] When a property has access to more than one street, primary access shall be provided from the roadway with the highest roadway classification (ie. arterial, collector, local).
 - (d) Cannabis cultivators, manufacturers, wholesalers and/or distributors shall not be located adjacent to property used for school purposes which is owned by or leased to any public or private elementary or secondary school or school board, or to any existing preschool.
- (5) **Security.** Secured in accordance with all applicable provisions as defined in the Act and outlined in Section 94-86.3(E)(3).
- (6) **Storage of Product.** The storage or possession of cannabis or cannabis paraphernalia within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Cannabis plants, products, accessories, and associated paraphernalia contained in any Cannabis Establishment shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.

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- (7) **Signage.** No signage other than directional or discrete building identification shall be permitted. The sign must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf, cannabis paraphernalia, and / or outward glorification of cannabis consumption. Signage shall remain innocuous and part of the general directional signage typically found in industrial facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet. Except as modified herein, all other Borough sign regulations must be complied with.

(8) **Parking and Circulation**

- (a) Off-street parking shall be provided in accordance with Section 94-53 of the Borough Code. Parking for Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors shall be provided for as industrial uses.
- (b) In no event shall parking areas be located within the required 50-foot-wide buffer from adjacent residential properties and/or zones.
- (c) A minimum of one loading space shall be provided on site. Additional loading spaces shall be added based upon the recommendation of the Land Use Board Professionals.
- (d) The location of any loading docks, loading ramps, and/or loading bays shall be located on a façade that is not facing a residential property or zone.

(9) **Noise, Odors, and Light.**

- (a) Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors shall provide detailed information on odor control and shall provide documentation that the odor will not be perceptible at the property line. This shall include air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property and/or within public rights of way, and/or at the property line, and/or within any other unit in the same building if the use occupies a portion of a building. Air treatment/odor mitigation systems are required to be installed and maintained in perfect working order. The Cannabis Operation is required to provide a report a minimum of once per year or at the discretion of the Borough, that ensures that the odor mitigation filtration system is maintained in perfect working order. Failure to manage odor control shall result in revocation of local approvals.
- (b) Light pollution, glare or brightness resulting from site lighting must be 0.5 candle or less at the property line. In no event shall lighting, including lighting for security, be permitted to spill over onto adjacent residential properties or zones.
- (c) Cannabis establishments shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities shall operate within applicable decibel levels permitted by Borough noise ordinances and within applicable state decibel requirements.

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(10) **Vertical Integration.**

- (a) Only Cannabis Cultivation and Cannabis Manufacturing shall be permitted to be vertically integrated within the I Industrial Zone. In no event shall any other class of cannabis be permitted to be integrated.
- (b) Vertically integrated facilities shall comply with the criteria for each Cannabis Class.

(11) **Standards Specific to Cannabis Cultivation**

- (a) The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.
- (b) A water reclamation plan for Class 1 Cannabis Cultivation establishments shall be submitted to the Borough for review and approval by the Borough's Professionals.

C. Cannabis Retailers are permitted in the B-1 and B-2 Districts, subject to the following conditions:

- (1) Proof that the operator maintains all valid State of New Jersey licenses and approvals, and that all such licenses and/or approvals remain in good standing pursuant to the CREAMMA.
- (2) Compliance with the height, setback and other applicable requirements of the zone district in which they are located.
- (3) **Issuance of zoning permit and site plan approval by the Land Use Board.** The application for site plan approval shall include a traffic impact assessment prepared by a New Jersey licensed professional engineer having appropriate experience and education. The traffic impact assessment shall provide a description of the impact and effect of the proposed Cannabis Retailer upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
 - (a) Existing conditions in the vicinity of the proposed project including: the roadway network, representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months), traffic accident statistics, availability of public transportation, level of service of adjacent roadways.
 - (b) Traffic generated by the proposed development including, trip generation, trip distribution, modal split, level of service under proposed conditions.
 - (c) Traffic impacts caused by the proposed development.
 - (d) Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
 - (e) Any other information requested by the Land Use Board reasonably required to make an informed assessment of potential traffic impacts.

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(4) Limitation of Number of Cannabis Retailers within the Borough.

- (a) A maximum of two (2) Cannabis Retailers shall be permitted within the Borough. This limitation is inclusive of Medical Cannabis Dispensaries and Alternative Treatment Centers.
- (b) In the event multiple land use applications for Cannabis Retailers are submitted to the Borough in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Borough is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Borough shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Borough Planner or Zoning Officer.

(5) Location of Cannabis Retailers.

- (a) Cannabis Retailers shall not be located adjacent to property used for school purposes which is owned by or leased to any public or private elementary or secondary school or school board, or to any existing preschool.
- (b) Cannabis Retailers located adjacent to residential properties or zones shall be required to provide a minimum landscaped buffer in accordance with §94-40 Buffers. A solid fence not to exceed 6-feet in height may be incorporated into the buffer, provided the fence is located interior to the required buffer. In no event shall a buffer be less than 20 feet wide. When a residential property or zone is located across a street, the minimum buffer shall apply, unless that roadway is Route 31 or Washington Avenue, then the required buffer along the frontage of Route 31 or Washington Avenue shall not apply.

(6) Hours of Operation. Limit their hours of operation from 9:00 a.m. to 9:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.

(7) Security. Secured in accordance with all applicable provisions as defined in the Act and outlined in Section 94-86.3(E)(3).

(8) Storage of Product. The storage or possession of cannabis or cannabis paraphernalia within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Cannabis plants, products, accessories, and associated paraphernalia contained in any Cannabis Establishment shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.

(9) Signage. External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf, cannabis paraphernalia, and / or outward glorification of cannabis consumption. All other Borough sign regulations must be complied with.

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(10) **Cannabis Consumption Areas.** Use or consumption of marijuana or cannabis in any manner shall not be permitted at the Cannabis Retailer's facility, in the building, on its grounds or parking lots. Cannabis Consumption Areas are not permitted.

(11) Drive-thru facilities are not permitted.

(12) **Parking and Circulation.**

(a) Off-street parking shall be provided consistent with the zone in which the Cannabis Retailer is located and Borough Code Section 94-53. Parking for Cannabis Retailers shall be provided for as retail stores. Additional parking spaces may be reserved for the exclusive use of delivery vehicles.

(b) Parking areas shall be setback a minimum of 20 feet from all lot lines, unless adjacent to existing non-residential properties.

(c) Ingress and egress to the cannabis retailer shall be provided by Route 31 or Washington Avenue. In no event shall side streets be permitted to provide access. This condition shall not apply to access required for emergency vehicles.

(d) A minimum of one loading space shall be provided on site.

(13) **Additional Standards for Cannabis Retailers**

(a) In no event shall lighting, including lighting for security, be permitted to spill over onto adjacent residential properties or zones.

(b) Unusual odors, smells, fragrance, or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order. The Cannabis Retailer is required to provide a report a minimum of once per year or at the discretion of the Borough, that ensures that the odor mitigation filtration system is maintained in perfect working order.

D. **Medical Cannabis Dispensary and Alternative Treatment Centers.** Medical Cannabis Dispensaries and Alternative Treatment Centers are permitted in the B-1 and B-2 Districts subject to the same conditions as Cannabis Retailers set forth in subsection (C) above.

E. **Additional Requirements for All Cannabis Establishments.**

(1) **Sale of Product.**

(a) Cannabis Retailers may only sell useable cannabis products to persons over 21 years of age.

(b) Cannabis Retailers may sell "cannabis paraphernalia" as that term is defined in the Borough Code and the CREAMMA to persons over 21 years of age and registered qualifying patients only.

(2) Samples of cannabis products offered for sale in cannabis retail establishments may be displayed on shelves, counters and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the Washington Township Police Department and allowable under Permitting Authority regulations and state legislation.

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(3) **Security and Reporting.**

(a) Surveillance System.

- (i) All Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.
- (ii) The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the Washington Township Police Department with access to this real-time camera footage in case of an emergency.

- (b) The recordings shall be maintained at the Cannabis Establishment for a period of not less than thirty (30) days and shall be provided to the Township Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.
- (c) **Lighting.** Outside areas of the premises and the perimeter shall be well lit with dark-sky compliant lighting (i.e., downcast and full cutoff so as to not cause glare or light pollution of the night sky). All doors shall be equipped with motion-sensor lights.
- (d) The Washington Township Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours.
- (e) Security staff is required on the premises during all hours of operation.
- (f) The premises must only be accessed by authorized personnel and be free of loitering.
- (g) **Storage of currency.** All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of cannabis, securely fastened to a wall or floor, as approved by the Washington Township Police Department.
- (h) Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.

(4) **No beer or alcohol on premises.** No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a Cannabis Establishment.

(5) **No harm to public health, safety or welfare.** The premises of a Cannabis Establishment, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

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- (6) **Compliance with other codes.** Any cannabis establishment and the adjacent grounds of the cannabis establishment shall comply with all zoning, health, building, fire, and other codes and ordinances of the Borough as shown by completed inspections and approvals by the Borough Planner, Construction Division, Fire Safety Division, and the Borough Health Department, if applicable.
- (7) In the event of a conflict between the Borough bulk standards and the Act or the Permitting Authority's regulations, the Borough shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.
- (8) **Generators.** All cannabis operations shall have a back up generator which shall be sufficient in output to maintain all operating and electronic security systems in the event of a power failure. Generators shall comply with the bulk setback requirements and buffering standards for the zone and shall be shown on the Site Plan to ensure compliance.
- (9) **Additional requirements.** At the time a site plan approval is granted, amended, or a major change to a Cannabis Establishment is approved, the Borough may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:
 - (a) Additional security requirements;
 - (b) Limits and requirements on parking and traffic flows;
 - (c) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
 - (d) Limits on cannabis products that may be sold;
 - (e) Requirements and limits on ventilation and lighting;
 - (f) Limits on noise inside the licensed premises or on the adjacent grounds;
 - (g) Prohibitions on certain conduct in the cannabis business;
 - (h) Limits on hours of operation.

- F. **Penalty for violation.** Any violation of the provisions of this subsection or the conditions of the zoning permit granted by a Cannabis establishment shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit or Land Use Board approval may result in the revocation of the zoning permit.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

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deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. The Borough is hereby directed, upon adoption of this ordinance after public hearing, to public notice of the passage thereof and to file a copy of this ordinance with the Warren County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 7. This Ordinance shall take effect upon final passage, publication, and filing with the Warren County Planning Board, all in accordance with the law.

ORDINANCE NO. 2022-10

AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT PLAN OF THE BOROUGH OF WASHINGTON

WHEREAS, the Borough Council of the Borough of Washington, County of Warren and State of New Jersey (the "Council") has designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, by Ordinance No. 1-2009; and

WHEREAS, the Council is vested with the authority to amend the Downtown Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8, and

NOW THEREFORE BE IN ORDAINED, by the Council of the Borough of Washington, County of Warren, and State of New Jersey, that the Borough's Downtown Redevelopment Plan be amended to now read as follows:

Section 1. The Borough's Downtown Redevelopment Plan is hereby amended and replaced the document attached hereto as **Exhibit A**, which is dated August 2022 version 2 and prepared by the Borough Planner, Heyer, Gruel & Associates

Section 2. The Mayor, Clerk, Engineer, Planner, and such other Borough Officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Borough Clerk is further directed to refer this Ordinance to the Borough Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon

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adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to the first reading, this Ordinance must be referred to the Borough Land Use Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan or designed to effectuate same.