

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
November 2, 2022**

The Township of West Orange Planning Board held its regular meeting on November 2, 2022 at 7:30PM via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* asked everyone to stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **December 7, 2022 at 7:30 P.M.**
- The application **PB-22-08 Cummings/2 & 10 Ridge Road** decided to be carried to the December 7, 2022 Planning Board Regular Meeting.

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino;
Mr. Christopher Morgan, Sr;
Mr. Ken Alper; Mr. Peter Smeraldo; Council President Susan McCartney; Mr. Sal Jensen;
Mr. John McNair; Mr. John Cardoza

ABSENT: Mr. William Wilkes
Mr. Lee Klein

ALSO PRESENT: Diana McGovern, Planning Board Attorney;
Paul Grygiel, Town Planner;
John Hess, Planning Board Engineer
Sarabraj Thapar, Esq., Public Advocate
Jamilet Baquerizo Vite, Planning Board Secretary;

MINUTES & RESOLUTIONS

(Approved 11/2/2022)

- 769 Northfield Avenue Final Site Plan Resolution Phase II Revised

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	----
Jensen (Alt. 1):	Y	Yes ; Absent	
Klein:	----		
McCartney:	----		

SWEARING IN

- The Township Professionals, *Mr. John Hess* and *Mr. Paul Grygiel* were sworn in.

APPLICATIONS/ORDINANCE REVIEW

- **PB-22-12 West Orange Wellness LLC**
26 South Valley Road
Block: 4 Lot: 12 Zone: B-1
Change of use to class V Cannabis retail dispensary use.

PRESENTATION

The attorney, Cameron McLeod, entered on the record. The applicant is seeking conditional use and site plan approval. The applicant is proposing to occupy the existing commercial building which is around 3,000 square feet, which includes interior and signage improvements to the existing façade. The applicant already has gone through the process of securing a resolution of local support from the Township of West Orange and has secured conditional approval from the State Cannabis Regulatory Commission.

Security Consultant and Cannabis Operations expert Mr. James Sherrard entered on the record and was sworn under oath. Mr. Sherrard started his testimony by giving a walk-through experience when coming in to the building. The customers will pull-up into the parking lot, walk into the vestibule and be greeted by a security person and/or a staff member. Each person coming into the building must be identify show identification to make sure they are 21 years old. Normal operations will have a scanner, so they can verify the birthday and if the document is valid. The customer will go online, place the order and pay with debit card or use the app. They will go to the building to pick-up their order with their ID and they will exit the building after

making sure their order is correct. A second example when coming into the building would be if a customer is not sure of what they want. They can go into any of the POS stations, so they see the items available and purchase with cash or debit card and exit the building after the purchase is done. The third example will be a customer will go directly to one of the kiosks and the kiosk will receive the order and the customer will be able to pick-up the order on one of the POS stations. A normal operation usually takes around 6-12 minutes from pulling up into the driveway, to purchasing the product and out the door. There will be no cannabis consumption permitted inside the facility. The State of New Jersey has live access to the cameras full-time. There will be 3-layer security system, which is not available to the public for safety reasons. There will be 40 security cameras, which they will operate 24/7, they will retain video for 30 days. Every door will be under access control, where the staff will have specific access depending on their position. Also, as part of the security, intrusion alarm systems will be placed around the building and in the vault which it will require a PIN number in order to enter. The facility will have lighting and the cameras will be infrared so they can record during night. The staff will require training and will be familiar with the building inside and outside. They will be train for active shooter situations, emergency action plans and when to use the panic buttons placed inside the building. The building will be repainted, the landscaping will be upgraded, the HVAC system will be replaced if deemed necessary, the roof will be replaced and all the debris on site will be remove properly. The pavement will be repaired where needed and it will be re-stripped to indicate ADA parking spaces and individual parking spots. The rear North-East corner door will be removed and the remaining door will be the employee and delivery access door. There has been an agreement made regarding the cross parking between the adjacent restaurant, which is that they can still use the parking space of the dispensary during night hours when the dispensary is closed. The hours of operation of the dispensary will be from 8:00AM to 7:00PM. Based on Mr. Hess report, the applicant will have to repair the sidewalk and driveway apron. Deliveries will be made in unmarked delivery vans at random times during the day.

BOARD QUESTIONS

- Chairman Bagoff asked how many parking spots is the applicant proposing. Mr. Sherrard said that there will be 25 parking spaces including ADA spaces.
- Chairman Bagoff asked who decides if the lot needs to be paved. Mr. Sherrard said that the contractor will review the scene and decide.
- Chairman Bagoff also asked what will happen if there is an overflow in parking who will manage the situation. Mr. Sherrard said that it will be managed by on-site security that patrol the facility.
- Chairman Bagoff asked if there will be security lighting around the facility. Mr. MacLeod said that there will be lighting plan.
- Chairman Bagoff asked where the garbage will be located, who is going to remove it and if it will be enclosed. Mr. Sherrard said that facility will not have much garbage and no product trash, so the Township refuse will pick-it up.
- Council President McCartney asked if there is a regulation in how many security guards can be present. Mr. Sherrard said that there are no regulations.
- Mr. Alper asked how many employees will be on staff on a regular basis. Mr. Sherrard said that there will around 8 to 11 employees.

- Mr. Alper asked if there will be any odor coming from the facility. Mr. Sherrard said none.
- Mr. Guarino asked if in the future there will be updates and/or reviews in the secure operation plan. Mr. Sherrard answered in the affirmative, they get sent to the state to be filed, in which they do inspections to ensure the facility is following protocol. The police chief will have access to anything pertaining security.
- Mr. Guarino asked an approximate number of customers during the day. Mr. Sherrard said that approximately 300 to 350 people a day.
- Mr. Smeraldo asked who will control the flow in out of the building. Mr. Sherrard said that either security or the staff members.

PROFESSIONAL QUESTIONS

- Mr. Grygiel asked if the windows will be opaque. Mr. Sherrard said yes because that is a state requirement.
- Mr. Grygiel asked if the applicant is submitting any plans for landscaping. Mr. MacLeod said that they are submitting and will be using native and organic products that are not invasive.

PUBLIC ADVOCATE QUESTIONS

- Mr. Thapar asked if there will be charging stations in the parking lot. Mr. Sherrard answer no.
- Mr. Thapar also asked if there will be any solar panels on the roof. Mr. Sherrard answer also no.
- Mr. Thapar asked the estimate time a costumer will take during a transaction. Mr. Sherrard said that approximately 6 minutes if it is an online order. But it will all depend on where the customer places the order.

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT*

CONDITIONS:

- An agreement with the bar next door regarding the parking arrangement.
- The ADA parking spaces must have signage and one of the spaces needs to be van accessible.
- The roof will be replaced with a white or light color roof.
- The police chief will always have the secure operation plan available to view.
- The exterior lighting needs to match the township requirements.
- Lighting plans will be submitted as per the state standard within 30 days.
- The parking lot will be off limit to all commercial vehicles park after hours.
- The applicant will remove any other signs currently on the site.
- The applicant will clean and maintain landscaping. Also, will submit a landscaping plan using native plant.
- If the Zoning Official finds that the production of garbage is excessive may require the applicant to retain a private company.
- The windows will be opaque.
- Signage must be approved by the board and review by Mr. Paul Grygiel.

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	---
Jensen (Alt 1):	---	Yes: 8 ; Absent	
Klein:	---		
McCartney:	Y		

Note:

- **PB-22-11 Montclair Golf Club**

25 Prospect Avenue

Block: 151 Lot: 1,5,11,14,15.01,23,34,37,41,45.01 & 49 Zone: R-2

The property is presently used and will continue to be used as a private golf club.

The current application is requesting preliminary and final major site plan approval in order to expand the existing irrigation pond and construct a new pump house which will be 1,200 square feet in the area and 17.2 feet in height.

PRESENTATION

The attorney for the applicant Mr. Gaccione entered his appearance on the record and started explaining that the purpose of the application is to the expand an existing irrigation reservoir, also to replace an above ground water tank and have a new location for the pumping station. The applicant is seeking preliminary and major site plan approval and "C" variance or bulk variance for maximum permitted access building height.

The maximum permitted height is 15 feet and the pump house is proposed to be 17.2 feet of height. The general manager at Montclair Golf Club, Mr. Bacon entered on the record and was sworn under oath. Mr. Bacon started his testimony by saying that the method to irrigate the golf course involves two systems. One system is the irrigation system itself and the second system delivers water to the irrigation system. The second system involves wells, reservoir and a large tank, the entire system is obsolete and it is rapidly declining and it is a vital system to the operation of the business, which is an urgency to get this project started for the next golf season.

NO BOARD QUESTIONS

PROFESSIONAL QUESTIONS

- Mr. Grygiel asked where is the location of the existing tank. Mr. Bacon said that tank is not currently located near the reservoir and the idea is to remove it and replace the existing tank with landscaping making it centrally located and also improving the landscaping.

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT*

PRESENTATION

Mr. Tim Derrick entered on the record, he was sworn under oath and his credentials were accepted by the board. Mr. Derrick stated in his testimony that the existing pump is located on the center of the property. The proposed construction will be located in an area within the golf course. The existing reservoir holds 1-million gallons of water and the applicant is proposing to expand the pond reservoir, so it can hold up to 3-million gallons of water. Adjacent to the irrigation pond, there will be a new pump house that will have the new pumps to irrigate the new system. It is 30 by 40 structure with 17.2 feet in height. Other than the variance being requested on the application, there are no other zoning issues. Mr. Derrick went over the letter from Mr. John Hess, in which they agreed to comply to the requests on the letter which he said that there are no proposed deed restrictions or covenants in the project. Item #21 there are no easement or land reserved or dedicated to the public use. Item# 23 a list of required regulatory permits which have been submitted. Item# 14 ownership have been established. Item#22 the project will be done in one stage and they will be complying to every item on the letter which also includes stormwater management regulations.

BOARD QUESTIONS

- Mr. Smeraldo asked if this project is secure and won't have an impact on excess overflow. Mr. Derrick said that there is no concern.

NO PROFESSIONAL QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

Martta Kelly at 81 Seaman Road she asked when will the project commence, degree of the noise level will be and if the applicant will be taking care of the issues that the falling of trees and leaves bring. Mr. Derrick cannot comment on the falling of the tree issues, but he did answer that there will not be an increase on sound levels after construction. Mr. Bacon entered on the record again to answer the previous question and he said that the golf club is working with the town forester regarding the issue, so it can be maintained.

NO PUBLIC COMMENT*

PRESENTATION

Ms. Rachel Fifield entered on the record, she was sworn under oath and her credentials were accepted by the board. She started her testimony by describing the existing conditions in which the golf club is about 277 acres and it is surrounded by residential to the north, residential to the east, residential to the south and residential to the west. The proposed improvements are to expand the existing irrigation pond in the south western section of the golf course and the construction of a new pump house and related improvements and the removal of the existing water tank. The relief that is been requesting is a "C2" variance. This will allow more space for the interior machinery and the new height of the pump house will allow a more consistent look with the rest of the golf course and with residential area. The new pump house will not be the tallest accessory structure on the property and it will 300 feet from the property line, which means it will not impact the view shed and the noise operation will be minimal.

BOARD QUESTIONS

- Mr. Guarino asked if the new pump house can be made sound proof. The question was redirected to Mr. Derrick in which he answered that because there will be minimal noise coming from the pump house, sound proofing is not required. Mr. Guarino also asked how will the pumps be powered. Mr. Derrick said that the pumps will be electric and no combustion will be used.

PROFESSIONAL QUESTIONS

- Mr. Grygiel wants to clarify if the 15 feet requirement is applicable on any size lot within the municipality or in this R-2 zone, so whether the 200 acres lot or a 10,000 square foot lot is the same height limit. Ms. Fifield said that accessory standards within this zone are standardized.

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT*

CONDITIONS:

- The project will not generate any new impervious coverage and will not create additional runoff.

Motion: Chairman Bagoff

Second: Mr. Morgan

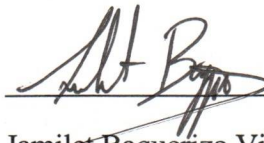
Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	---
Jensen (Alt 1):	Y	Yes ; Absent	
Klein:	----		
McCartney:	Y		

Note:

GENERAL DISCUSSION

Meeting adjourned at 9:36PM by *Mr. Guarino*, seconded Chairman Bagoff

ADOPTED: 2/1/23



Jamilet Baquerizo Vite,
Acting Planning Board Secretary